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SELECTED ADDRESSES *of*

Charles L. Jewett

IMPRINTED *at the* CITY *of* INDIANAPOLIS, INDIANA, *in the* YEAR
NINETEEN HUNDRED & ONE *by* THE CENTRAL PRINTING COMPANY

PREFACE

HE publication of the following speeches and addresses is prompted by a desire to collect and preserve in permanent form some of the finest examples of Indiana eloquence and wit. To this end, from the many public utterances of Colonel Jewett, eight short ones, upon widely different topics, have been chosen. The first one selected is a Decoration Day speech delivered in the light of present national conditions and prospects, which has received unstinted praise for its eloquence and patriotic fervor.

The second is a witty response to a toast at a banquet of the State Bar Association. Ex-President Harrison presided, and the toast was "The Thirteenth Juror." It referred to the story, old among lawyers, of the resolute judge, who, when an unjust verdict was returned against an unpopular litigant, remarked from the bench, "Mr. Clerk, enter the verdict and then enter an order that the Judge of this Court sets it aside. It takes thirteen of us to steal a man's farm in this court."

The next is a Memorial Address delivered before the Indianapolis Lodge of Elks in the course of the annual memorial services held in honor of the dead of the order. In addition to a most forceful presentation of the vanity of one phase of human nature, it out-

lined for the first time the precise aims and purposes of the Order of Elks; and it has ever since been accepted as the very best presentation.

The response to the toast "The President of the United States" was a novel plea for Civil Service Reform. It was delivered at a banquet attended by over five hundred of the Democratic leaders throughout the State of Indiana. Up to that time Colonel Jewett had not been suspected of entertaining any such sentiments, and his hearers certainly did not. This attack upon the so-called "Spoils System," from an entirely novel point of view, occasioned great surprise and comment at the time, and brought from President Cleveland a cordial letter of admiration and thanks.

The next following is a political speech delivered during the campaign of 1896 in support of McKinley and Hobart. Colonel Jewett had always been a Democrat, and for many years, as Chairman of the State Central Committee and otherwise, had been recognized as an unswerving leader in the Democratic party in Indiana. Over two million copies of this speech were distributed as campaign documents. While I utterly dissent from the teaching of the speech, many competent judges think it the finest political one ever delivered in the State.

The sixth of the series is a plea to the jury made as attorney for the prisoner in the famous trial of Professor Ira G. Strunk, indicted for the murder of Chas. V. Hoover. For ingenuity, sarcasm, and as an impassioned argument in favor of the "unwritten law," it has a place among the greatest of such efforts.

The seventh, a short address at the memorial meeting of the Indiana Bar Association, held in the Senate Chamber, at Indianapolis, while the remains of General Harrison were lying in state in the rotunda of the State Capitol March 17, 1901.

The last was a Fourth of July speech made to the soldiers of the First Colorado Volunteers, a battalion of the Eighteenth Infantry and the Utah Battery, en route to the Philippines during the Spanish-American war, July 4, 1898.

C. W. Cottom.

New Albany, November 29, 1901.

Address Delivered Decoration Day, Nineteen Hundred and One, at Cave Hill National Cemetery, Louisville, Ky.

HE constant seasons have once more brought flowers to grace the graves of heroes. The constant love of a grateful people again assembles them throughout the land to pay homage to the Union dead. To-day is our national Sabbath. Here where so long these have kept a silent camp, I greet you, my countrymen, invoking a spirit of veneration for their memory and of pride in the splendor of the nation their sacrifice cemented and their valor exalted.

So lively our recollection of their mighty deeds, it is difficult to realize that forty years have passed since the curtain here rose on the awful drama of civil war. Yet the conflict was waged near midday of the same century in which Napoleon's battalions shook all Europe with a storm of fire and blood; and as mere military spectacles, without regard to their tremendous results, these wars will ever absorb and divide the attention of the reader of history as the surpassing contests of all the ages.

"Lest we forget" it is the imperative duty of the one who speaks and of all who listen on these occasions, to

hold ever fast to the fact that these services are the tribute that can never be rendered except to past loyalty. The stern truth to be thoroughly emphasized is that no matter what the condonation granted to the errors and what admiration admitted of the deeds of others, the country's gratitude can only go out and must ever go out to those who, in time of its peril, without question or halting, enrolled themselves on the side of right; and the side of right ever was and ever must be the side which trains under our country's flag. Because these men did this and without hesitation or reserve went unselfishly to suffering and death, to them at all times, then and now and henceforth, was, is and shall be surpassing honor. And let coming generations of Americans study well the bitter lesson which the passing one saw taught in suffering and blood and enforced by defeat and humiliation that patriotism knows no divided duty and loyalty has no degrees. And a further truth to be here recognized is that the distinction of rank, station and individual actions is most unsubstantial, and destined soon to fade: the glory of the whole achievement is what endures and its luster finally falls substantially on all alike. It is known that the vast majority of those who gave their lives in this service were men poor in this world's goods, obscure in station, rich only in love of country, fortunate in little save the opportunity that came to each to make the priceless sacrifice. Most of them died unnoticed by any save their immediate comrades, and as individuals were accorded but scant recognition—yet how stands it now that forty years have passed since the war began? How benevolent is time! how softening the effect of distance! Now we are as those who, leaving the rocks

and crags, the fastnesses and caverns of the mountains, withdraw to a great distance and then look back. The rough places have disappeared; the forbidding features are gone; instead, we see the blended outlines of the one great range, a majestic whole, united, harmonious and imposing.

And so with the grand armies of the Union. Aside from a few illustrious ones of those who led them, who remembers the individual names or the deserts of the more than million men who marched under the flag? Yet who forgets or diminishes the glory of the whole array. Of the occupants of these graves, what ones went forth to die filled with stern convictions of duty, and what ones, in careless love of adventure, went thoughtlessly to the same glorious fate, we do not know. Was this a saint and that a sinner? Went this one to his end, having washed every stain from out his conscience; and went that one unworthy and unprepared? We mortals do not ask, nor do we care. We only know that be it much or little, they have each a share in the common glory of the great achievement, and here to-day with impartiality we give every one an equal share of our flowers and our praise. Thank Heaven that it is so, and may memory's equity ever keep it thus.

But what of the men of the South who fought and died under its short-lived banner? Forty years have passed since the war began. The time for hate and misunderstanding has gone forever, and they should not, and do not abide in sane and wholesome minds. To-day, with clearer, calmer vision, we see the unhappy conflict as it really was. Freed from the passions and prejudices of the past, we may render a juster judg-

ment. Without fear of being misunderstood, we may now also give just recognition to the deeds of those who dared to risk their lives in war for that they had in peace dared advocate, hear and believe. Old things have loosed their hold upon us, and now we see that the war between the sections for the preservation of this Union was but the natural result of conditions which it required the shock of desperate conflict to remove. The soil on which we stand was where this was most accutely shown; for it was Kentucky's hard lot to lose her autonomy as a warring State in those bitter days. Her sons doubted and differed, and went their several ways as inclination or impulse prompted, to later meet in opposing ranks in the struggle over the nation's life. Peace and eternal rest, then, to those who espoused and fell in the Confederacy's mistaken cause. Ours be the generosity and justice to admit their courage and their sacrifice, in these good days that have seen, side by side under the stars and stripes, a Grant and a Lee and a Wheeler fight, and a Logan die. Glorious days, indeed, are these of the bright new century, when eager hands stretch forth from the South to grasp the prizes of commissions in the nation's army and navy. When the President is received with loyal shouts in Memphis and New Orleans, when peace monuments are being built and Grand Army posts decorate Confederate graves; when our transports are sailing over the sea, bringing to their homes men of the North and South who, shoulder to shoulder, have upheld the dignity and enforced the supremacy of the nation on the other side of the earth. Happy days, in truth, when occur such things as this very day took place at the spot once known as Camp Morton. Hard

and bitter to memory of the South, the recollections which this name recalls. Established at the capital of ever-faithful Indiana, it was called after her great son whose relentless loyalty made his name to be hated and feared beyond the border. I dare say that it was ordered and kept with such humanity as the conditions allowed. But alas, the rigors of war are great, and of the fifteen thousand Southern soldiers in captivity there, all suffered and many died.

There, through all the succeeding years, in quiet Greenlawn, the unclaimed dead have slept in what must have seemed to them an alien and inhospitable soil. There they rest now, but not among enemies, and no longer forgotten: the sun of the twentieth century shining into the hearts of their one-time foes, has softened them to pity, to forgiveness and to kindly admiration. And so it has come to pass that on this blessed day, for the first time since the war, the Grand Army of the Republic has accorded honors to these dead. By the hands of Indiana women and children these long forgotten graves have been decorated with Indiana flowers; and with reverent hands and speech our people have accorded them a loving recognition, which is henceforth to be given so long as this day shall be observed.

Historians seeking for the sources of the conflict have found many and ample causes. Lack of acquaintance and communication between the sections, climatic and educational differences, a sectional institution, narrowness of statesmanship, ambition of politicians, the mendacity of demagogues are said to have been its manifold parentage. Be it so for those who fix always their gaze upon the ground. But here on this sacred

spot I choose to believe and declare that it came from a higher source. As well doubt that the dead of both armies shall be raised again to be judged by the merciful standard of the lights under which they acted, as to doubt that heaven directs the course of nations. I prefer to believe that those who joined in deadly, and on the one side mistaken struggle, were after all only the instruments of Providence yielding their all for the upbuilding of the nation; that it was necessary for this people in the wilderness of the Western Hemisphere, entrusted with the cause of man's freedom, to be knit together in one homogeneous nation and equipped to perform its duty to mankind. Out of the struggle between the armies of Grant and Lee came a nation purified and united, able to do the great things already accomplished, and fitted for the tremendous destiny to which resistless forces are surely carrying it.

But what of ourselves? Standing at Gettysburg, from which the smoke of battle had but recently passed, Abraham Lincoln uttered the words which define the duty of all Americans, when he said that the living must consecrate themselves to the preservation of that which these dead had established. It shall little avail if, coming here with flowers for decoration and speech of praise, we depart hence each bent on the attainment of his selfish purpose—none with rekindled love of country and resolve for some individual sacrifice to the general good. It is not permitted to us to accept the blessings of Providence and the wages of others' suffering and render nothing from ourselves in return. We may not hide the treasure confided to us in the napkin of sloth and selfishness, but must be ready at the Master's coming to return His own with usury.

Here in this place we proudly recall and unstintedly praise the deeds of those who here and elsewhere eternally rest, crowned and distinguished by the work they did so well. But this is not enough. Here we should also take note of our own duty, and in this atmosphere of duty well done should for ourselves recognize the obligation resting on this generation and gather strength to be dedicated to its discharge. We can not do this by perfunctory declaration that the strife between the sections is at an end, and formal admissions that the issues over which these fought are forever settled. There must be more than this. We must with cheerful hearts and unhesitating minds, go forward to fulfill the duties of the present and encounter the rising ones of the future. We of the so-called North must forever put aside doubt and distrust of years and install in their place faith and confidence in you. And, believe me, this has already been substantially done.

Aside from a few States where some show of bigotry yet remains, the power of development and shifting of population have eradicated old-time prejudice and driven out the memory of ancient controversy. While this is to some extent true of the South, I would not be candid did I fail to say that it is depressingly less in degree. It were a waste of time to speculate as to the cause. Doubtless the sting of disappointment and defeat outlasts the glow of victory. At all events, every man in what was once the Confederacy owes it to his country to hasten the awakening of the South. That its individual citizens are as reconciled and patriotic as any finds sufficient proof in their quick response and splendid service in the war with Spain, which, lasting but one hundred days, has changed the map of the

world. The South owes to our reunited country a broader statesmanship and a heartier co-operation in national advancement. It needs to eliminate those reactionaries who, day by day, continue to emphasize their unfitness, and place in their steal the other sort, of which the South has abundance. Dare not believe that the coming years will not demand as strong and virtuous and patriotic citizenship as any portion of the past. It is no mere figure of speech to say that our country goes forward to the heights of a splendid and perilous isolation.

Nations, like men, have their times of strength and opportunity and power. We seem to be attaining ours by a growth of marvelous rapidity. Within the recollection of those who surround me we were a raw and somewhat provincial people, greatly misunderstood by the world at large, and of slight consequence in its affairs. The Union was then composed of loosely-joined States, its powers and their obligations matters of doubt, dispute, and in a certain sense undefined. Mark the change. To-day Washington is becoming the center of diplomacy and New York threatens to wrest from London its distinction as the money center of the world. Our proud navy, whose growth must never stop till it outclasses any other, carries our flag and proclaims our power on every sea. To the ends of the earth our people and our interests are spreading, conquering all nations with the peaceful weapons of energy and enterprise. At home, wondrous wealth, luxury, comfort. Never since the days began have there been gathered in one nation so many educated, thrifty, well-fed, well-clothed, self-reliant people. The production of wealth seems immeasurable. The doings

of men like Carnegie and Morgan make the fable of Aladdin seem commonplace. The one sweeps together the instruments of production and trade as easily as the autumn winds drift the scattered leaves. The other, day after day, lightly bestows among his fellowmen sums that would ransom a king. Everywhere increasing wealth, added power and expanding trade arrest the gaze of startled nations; we plan a waterway that shall make as one the two great oceans; we gather the West Indies to our benign care; we bring peace, order and protection to the long-suffering millions in the Philippines; we steady huge China on her trembling foundations.

It were idle to deny that there is another side to this bright picture. The pessimist can find much to criticise and some things to deplore. He can surely point to many instances of the selfishness of the favored; of municipal corruption, official uncleanliness, suppression of suffrage, mob violence, perversion of law, mutterings of anarchy, foolish antics of wealth; to greed, snobbery and folly. Be not disturbed at these things. They are the unwholesome phenomena of the times, but most of them the afflictions of every period since civilization dawned. They are simply murky spots upon our national life that seem darker because of the brightness of the glorious whole.

Rather rest your faith upon the sure things which remain unimpaired: the prerogative of intelligent suffrage; the rights of religious liberty and personal freedom; and the equality of opportunity to all men,—these are the four cornerstones of the republic, and so long as they last it will endure. Rest assured that our present eminence

in the world's political affairs and commercial business will not only continue, but increase. No nation can stand still; it must of necessity move onward or retrograde. And while our commanding influence might only provoke envy, our mastery of the markets must precipitate reprisal; already great peoples are planning to check America's growing supremacy in trade. Is it too much to apprehend that out of this may come actual conflict? While past wars may have been largely those for the subjugation of other lands, propagation of beliefs and the redress of supposed or real wrongs, it seems certain that future ones will be for commercial dominion and territorial influence. To be sure, it's our wish to remain at peace with all, yet the result may not not be of our choosing. The wounded vanity of Europe when supplanted by the necessities of its diminishing trade, may come to pass all restraints; and if the time does come, our country will find itself beset by foes now unthought of. The solution will doubtless come through war. It is pleasing to speak of the coming era of perpetual peace, and a fine figure to talk of turning swords into plowshares, but man's nature and humanity's experience indicate that this blessed period is at best far distant. It is easy to argue that the refinement and polish of civilization and universal education have softened the nature of men. Against this I put contemporary events and the situation to-day in South Africa and China. The granite from the quarry and the oak cut from the forest may be polished until it seems that their nature has been smoothed, softened and forever changed, yet strike but one hair's breadth below the surface and the primitive roughness is disclosed. So with man; refine and educate him as you

will, the dormant savagery lurks beneath and needs but a provocation to disclose it. Shameful is the truth I now confess, that within this year, in my own State, frenzied men burned a fellow-mortal at the stake.

It were but speculation to say when and where this final test may come, but the field for apprehension would seem to be Central and South America. Hungry eyes already look covetously upon that region, and greedy hands are reaching across the sea to seize it. If this fear be realized, then the part our country will play is easily foretold. The Monroe doctrine is no longer a tentative assertion; it has entered into the very fiber of our national being; it has risen from the dictum of a President to the dignity of our country's ultimatum to all mankind; it can never be modified or abandoned; to forsake it would be the end of our prestige and the beginning of our certain downfall. But it will not be abandoned: it will be reasserted, clearly defined, unfalteringly maintained. Then, indeed, will be made manifest the true destiny of this people, for that destiny is surely upon the American continent. If this probable and appalling conflict shall come, the United States will finally emerge victorious, and the world shall then indeed behold an imperial republic; a republic whose will shall be supreme from the Arctic Ocean to Cape Horn; a republic imperial in power, imperial in justice, imperial in the united strength of a free and happy people, the arbiter of nations and the glory of time.

Response to Toast, "The Thirteenth Juror," at State Bar Association Banquet, Indianapolis, Indiana: Benjamin Harrison, Toastmaster.

T WOULD much diminish my embarrassment to be able to follow the course adopted by the young man who taught school over in Kentucky. Asked his opinion as to the shape of the earth, he said he had no fixed belief on that subject; said that in his part of the country some of the folks thought it round, but the rest of them were quite sure it was flat, so he just taught it round or flat, according to the views held by those who were to hire the teacher for the next term.

Now, if in assigning me this toast, the committee had been generous enough to attach a diagram, I might be able to respond in the same diplomatic and satisfactory manner. It not only failed, but upon importunity refused to do this, and hence I am remitted to my own meager resources for a conception of this potent supernumerary whose addition transforms the jury proper into a baker's dozen, and upsets all its calculations.

He don't belong to the regular jury, that's certain. In spite of the disputes as to the analogy from which the number comes, it was long ago agreed that twelve and no more was the sacred number. So no matter whether chosen because of "the prophets twelve to foretell the truth, or the seekers twelve sent into Canaan to learn the truth, or the Apostles twelve to preach the truth, or the stones twelve on which the Hierusalem was built," the fact remains that twelve is the limit. I choose to regard the trial judge as the Thirteenth Juror, and to believe that he never appeared to such advantage as in the person of the bluff old judge who, when an unjust verdict was returned against an unpopular defendant, ordered it set aside with the statement that it took thirteen men to steal a man's farm in his court. This time-worn story is repeated in its original form, although I am tempted to bring it up to date by striking out of it the word "farm" and inserting in its stead some word like "mine," "factory," "railroad," "mortgage," "debt," "franchise" or the like. But you will readily see that this slight change would impress the story with such an appearance of utter improbability as to render it worthless.

Yes, the trial judge is the Thirteenth Juror, and no substitute has been or ever will be found. Public opinion at times attempts to usurp the place, but proves a rank failure. Public opinion is either so unreasonably prejudiced, or else it gets along so late with its half knowledge and indignation, that it only succeeds in discrediting and misrepresenting the whole judicial system.

With it as the controlling juror results would be more uncertain and disspiriting than at present, which

Heaven forbid. Not long ago, in a county near mine, public opinion, reinforced by a rope and a demand for instant execution, so harassed a man of the neighborhood that he gladly sought temporary quarters in the State prison, at present the only city of refuge in Southern Indiana. His trial and acquittal without the jury leaving the box, shortly afterwards, showed that public opinion came dangerously near committing murder; but the lesson was lost on public opinion, and it will be ready for the next unfortunate when it happens to wake up again.

Nor will the press do for the important duty. It's too sentimental and impulsive. Charming fellows, these newspaper men, but entirely unconventional in their way of administering the law, especially in criminal cases. These cases are their specialty, and they have a way of their own that is delicious in its novelty. The courts have an old fogy way of taking the evidence of a crime, and from it ascertaining who is the guilty party. That's too slow for the newspapers. They promptly select somebody as the guilty one, and proceed to find the evidence to convict that very fellow. In this, as in everything else they undertake, our energetic friends are usually successful, and as a result it is probable that a number of people have been swung off for crime which they did not commit. It is a great comfort, however, to reflect that each of these individuals had so lived that he was, in the language of the Scotch judge, "none the worse for a little hanging."

Now, there are those who might help discharge the duties of Thirteenth Juror, but they wont. For instance, there is the Supreme Court and its admirable junior and understudy, the Appellate Court. These august bodies manifestly never intend to undertake the

responsibility of revising verdicts. To escape this the Supreme Court long ago adopted the microscope as part of the judicial apparatus. In this way the court is able to detect a germ which has secured a permanent, even if not an honorable place in our jurisprudence. This atom is often one of the smallest things in the world, yet quite easily perceived through the judicial microscope, and must be very nutritious, for wrong and injustice fatten upon it. You and I can't see it (when on the losing side of the case), yet it is found in every record that comes up from a jury trial, and no matter what else appears, it controls; especially if the case is a knotty one and the day warm. This powerful microbe is known in Supreme Court circles by the name of "some evidence to sustain the verdict." Just why called "some evidence" no one seems to know. Probably on the principle that Mark Twain's railway station sandwich was called a ham sandwich. You will recollect that Mark analyzed one of these abominations on a basis of 1,000 parts. The result showed of bread and varnish 999 parts, of butter 1 part, and of ham a trace; yet the whole thing was called a ham sandwich. You see, there was "some evidence" of ham. So there seems to be no escape from the conclusion that, after all, the trial judge is and must be the Thirteenth Juror; and in rare instances where he may yet be found in the full, intelligent, brave, unswerving discharge of this, the greatest function of the judicial office, he affords the grandest spectacle possible in a government of justice, liberty and law. But the fact of the matter is that in recent years the Thirteenth Juror has not been much in evidence in the State of Indiana. To be candid he has not been standing up to

his work. Proof of this is in your own experience. If you are so fortunate as to have had no such experience, read again the opinion of Judge McCabe, in 143 Indiana, where that learned judge, always clear and forcible, fairly outdoes himself, and in words of unrelenting and pitiless truth lays bare the real situation.

We all know just what is the matter with the Thirteenth Juror; he is afflicted in only part of his body; his head is all right, clear as ever, and his heart is in perfect working order; the trouble is with his spine: he suffers from weak back, of a chronic, and it is to be feared, a progressive type. The cause of this limp condition of his vertebrae is worth seeking for. Maybe it is because there are so many of him in the State. The Indiana Legislature never did a meaner thing than when it abolished the Common Pleas Courts and cut the State up into an absurd number of circuits, so called. The present Attorney-General had that done—he never did have sufficient veneration for the courts. Why, he wouldn't give a cent—I mean he wouldn't give two cents—for Judge Showalter's opinion. The good old words, Circuit Court, except in three or four instances, provoke a smile; and one feels more like addressing the incumbent of the office as His Honor, Judge of the Seventy-ninth Judicial Court House Square. Maybe the trouble with the odd juror is that he is elected instead of appointed; for there is high authority in the statement that a nation's greatest afflictions are war, famine and an elective judiciary. But the elective system has worked fairly well, and appointments have not always been a howling success in this State. A former Governor once appointed a circuit judge, and there was much curiosity among the

lawyers to learn of any reason why. It developed that a monster petition had been secured upon the representation that with the candidate it was a "ground-hog case." If so, of course the Governor upheld the law, for is not the maxim of our noble science, *Lex semper dabit remedium?* And if a salary will not remedy short rations, what will? Moreover, the considerations which sometimes govern the selection of the Thirteenth Juror at the convention or the polls are not so far superior to that which controlled the Governor. It is understood that in some sections absolute belief in the efficacy of a McKinley tariff, and in others, like faith in free silver, are the requisite, and in some instances the leading qualifications for the bench. No matter what the cause, all will agree that the Thirteenth Juror is in a bad way. Time and change, machine politics and small circuits, primaries and party nominations and all the other canker of a calm world and a long peace have about done up the Thirteenth Juror in this jurisdiction. Under the influence of these things, or something else, he is about to collapse; and, like the victim of Rudyard Kipling's awful woman, it may be said of our Thirteenth Juror, "some of him lived, but the most of him died."

An Address to the Indianapolis Lodge of Elks at the Annual Memorial Services Held in Honor of the Dead.

E ARE honored to-day by the presence of many who are not members of this order. The fact renders it proper—indeed, almost imperative — that my address be prefaced by some explanation of the principles and purposes of the Order of Elks, upon which it bases its claim to public tolerance and to popular esteem.

This is, indeed, the very age of secret orders. The list constantly lengthens. Some are hoary with age, strong in tradition, and tenacious of lineage and history; others are painfully new in everything except in the high sounding names they bear, the coinage of which has well-nigh served to impoverish the vocabulary of antiquity. With none of these have we either controversy or rivalry; to each of them we accord the respect it deserves.

This organization, which has grown great under the simple though fantastic name of Elks, has for its prime object charity without ostentation. Its revenues are without qualification, subject to be thus appropriated with no condition or restriction except that the bestowal shall be known only to the order and its bene-

ficiaries. It is one of those cheerful givers whom it is said the Lord loves. It does not employ the microscope to discover faults and frailties in those to whom its ungrudging charity is given. It realizes that all want and all suffering result from the wrong or sin of somebody at some time, and therefore, its mercies fall alike upon the unfortunate who have been good and the unfortunate who have been bad. The meat it serves to the needy is seasoned with the salt of hearty good-will, not meanly garnished with the bitter herbs of rebuke and reproach. Incidentally to this great object, our members extend to each other those gracious manifestations of courtesy, helpfulness and regard which naturally arise out of fraternal and confidential relations between gentlemen brought and bound together by the obligations of the order and the stimulus of a common and honorable purpose. We believe that we more surely accomplish the few things we attempt, because there are so many things we leave severely alone. We leave the matter of insurance and benefits to insurance and accident companies; we leave the matter of religion and pious care for the soul to the holy church; we remit the conduct of a man's private affairs and the question of his morals and his habits to himself, satisfied that these things must thus be conserved and cared for if at all. We require only an acknowledgment of the omnipotence and divinity of the Father, obedience to our laws, and substantial conformity to those regulations of society which are essential to the life and character of a gentleman. Upon this broad and generous platform, where even many of those classified as men of the world may stand without hesitation or hypocrisy, we have gathered a splendid membership of gentlemen to

which we point as conclusive proof that among secret orders we are the Twentieth Century Order of the World.

The memorial ritual that has here been used, beautiful and reverent as it is, does not either fully or accurately express the spirit in which this service is held. The memorial ritual which shall reflect this spirit is yet to be written. Lamentation and regret for the dead will have no part in it. This great order encourages belief in that view of death most clearly entertained and carried out by the early Christians: it regards the termination of a good man's life not as his misfortune, but his achievement; not as the end, but the beginning; not as the failure of life, but its accomplishment. The members assemble, not to bewail the fate of those who have fallen, but to witness their triumph in that they have risen; not to regret the end of the race, but to gladly recall the manner in which it was run. Here the names of the dead are repeated that those who knew them in this life may happily recall the eye, the voice, the manner and presence that went to make up the real man who once was the friend and brother, and here again lives with his friends in the generous flood of happy memories.

And after all, is not such a memorial the only real and the most enduring one that can be erected to any man? Man's vanity will quickly make answer to this that it were far better and more enduring to carve his outlines in unyielding marble and his name in imperishable brass. Vanity has always said as much through all the ages during which it has dominated man, and walking beside him all his days, a deceitful, whispering courtier, has led him to hope that by counterfeit pre-

sentments of himself, and lofty monuments over his dust, he could perpetuate himself beyond the grave.

From the forgotten ages to the present time men have thus attempted to project themselves into the future, and to share in the affairs of posterity. They have fondly believed that to this extent they might thwart the Divine decree that man is mortal and must perish as the beasts perish, not only in bodily form, but from the memory of all save his Maker. But it has been without avail. Though a pyramid may rise out of Egypt's plain, the features be preserved in marble, or a name written in brass or in the glory of history, none of these shall avail to save the man himself from oblivion. The architect's labor shows us only a monument, the sculptor's craft only a face, the engraver's skill nothing but a name, the embalmer's art merely a mummy;—none of these can transmit to others the tone, the look, the manner, the bearing, the atmosphere of the being, and all the others of that combination that constitute that strange and indescribable thing which is denominated one's personality. Admit it or not as we may, the hard and unwelcome truth of the whole matter is that the memory of no man can exist in fact beyond the period when all who knew him are dead. We only really live with those who personally know us, and when all of these have passed then indeed is our memory forever effaced. In our personality it is that we live and die and are remembered; after that, absolute oblivion as to the world—all else is with God—it is His will. The memorial service this order accords to its departed members is of this simple and loving type. Its purpose is to recall to those who knew them in life, those traits and qualities, incidents

and acts which endeared them to their associates; and the fixed anniversary of each year is but an arbitrary period at which attention shall be for a time reverently and properly directed to these things. Each one of us who here remains, ought certainly much to desire that when hereafter our familiars shall assemble for this purpose, the remembrance of him shall be so delightful that he may realize the pious prayer that all prefer, "Lord, keep my memory green." And how better could I employ this brief time than to advance to you some idea of how we may best secure this end; how and when may we best impress ourselves upon our brethren and fellow-men, so that when all opportunity for action shall have forever passed away we may remain with them a gracious and fragrant memory. If one word is said to you to-day that will conduce to this end, then indeed the occasion will not have been wasted.

If I am warranted in my claim that the only monument of value after death is in the sweet and kindly memory of those who knew us, how blessed the thought that such a monument is in the reach of every one of us. It is no man's birthright. It is within the power of any and every one to attain. Class or condition can not affect it; the accident of birth or station can neither secure or prevent its possession. Its measure is the same for the great and the lowly; it awaits in the like degree the rich and the poor. It is not given to all to be of equal apparent importance and distinction in this life: some men are fated to move always in the glare of publicity, their every movement noted, their every performance praised or blamed; others, more happily placed, are to pass their lives in the quiet of

comparative obscurity; yet each and every one of these contributes his share to the great total of human existence, and within his circle influences the others, and may, if he will, add to the sum of human happiness.

> "No stream from its source,
> Flows seaward, how lonely soever its course; but that some land is gladdened;—no life
> Can be pure in its purpose and strong in its strife,
> And all life be not stronger and purer thereby."

How shall you and I, my brother, most surely and grandly secure this moment to each of us? Simply by right living toward our fellow-men.

The obligation of right living, the aids toward it, the environments that surround, and the obstacles that hinder, are known and acknowledged by all; but how many of us can truly say that we thus live? Surely every man has at some or all times truly desired so to live, but alas, how few succeed. I am persuaded that one great reason for failure—or what is worse, lack of attempt—is that we shut our eyes to the means and the occasion for accomplishing the purpose. We fail in our ideals because we belittle the common things of life. We grieve over the opportunity lost, or wait in vain for the opportunity to come, but we refuse to see that the opportunity is ever at hand. The spendthrift indulgences of our lives are retrospection and anticipation. They are the children of Folly, the foes of Opportunity. One attempts by resorting to the unsubstantial stores of the past to have again the cake already eaten; the other improvidently spurns the good at hand and fixes his disordered gaze upon the shifting mirage of the future, and in delusion dwells in a city of shadows no seeker has ever attained. Tolerate

neither of these things. Shun them as wasteful and visionary, and realize that the full measure of our opportunity can only be secured by a wise and unquestioned discharge of each day's duty. We are not to rest upon the performances of the past or rely on the things yet to come. "Write on your heart," says Emerson, "that every day is the best day of the year. No man has rightly learned anything who does not know that every day is Doomsday." Unquestionably we do not value highly enough the commonplace opportunities of each day; nor sufficiently realize how priceless are the hours of the present, how important the common and small things of daily life. Recall the brave tradition of early times which has been made immortal in the grand phrase of one of America's poets—the tradition of the day when the sun was darkened, when at noon there came the blackness of midnight, when a credulous and superstitious people, unnerved by fear and consumed by terror, groveled and wept and wailed aloud that The End had come; how, above that abject mass, was heard the brave voice of one man, stout of heart, demanding that candles be brought and the business of the day proceed; how, like a bugle call, rang out the strong words:

> "This well may be the day of judgment which the world awaits.
> But be it so or not, I only know
> My present duty and my God's command,
> To occupy till He come."

This is the spirit not only of courage but of wisdom. "There is no yesterday or to-morrow, but an eternal now is ever upon us," and he who overlooks or slights the opportunities and duties of the present must, in the end, reap but the bitter harvest of failure.

But he who, with cheerful and contented heart, bears the toil, even privation of his lot, no matter how small or ignoble his station may seem to be; he who, in the affairs of each day, shows a just and generous bearing toward his fellows, he shall fill the measure to overflowing. His life will be one that men must admire, and after death his personality can not fail to be lovingly remembered. Labor is the common fate. He who shuns its obligations and seeks exemption from its hardships, which are more apparent than real, loses most actual happiness and thoroughly fails to impress himself upon others. It is God's will that each of us should, with such talents as have been committed to him, share in the great undertakings of to-day, which in the aggregate, represents the accomplishments of all the ages, and which with our efforts, willingly and unselfishly put forth, must be transmitted in a better and grander form to those who are yet to come. The great and beautiful world is but a struggling mass of humanity where with varied advantages and diverse opportunities each for himself strives to maintain existence, to better his condition and to seek a surer foothold for the future. Hard and bitter is the struggle at all times; but after all it is a glorious thing. It has brought humanity from barbarism and ignorance to intelligence and civilization, and the unpretentious workers of to-day are bearing the standard to heights yet undreamed of. He is a coward who seeks to escape this splendid rivalry, or fails to earn some claim to its achievements.

To bear a happy and contented heart and to show it outwardly is the greatest of the duties of the day; greatest not only because it tends to the happiness of its possessor, but because it scatters highest blessings

among all we meet. And bear well in mind that this end will best be attained by accepting without question or criticism the disposal of Providence, which, after all, directs and controls our destinies. Unquestioned obedience to the Divine will; a sturdy, cheerful spirit; a determination to accept things as they are; to leave carping and criticism to others; to believe that all things are for the best; to, at all times, bear ourselves bravely and well,—is the true philosophy of right living. Realize that the simple, universal things within the reach of all, are, after all, the best things. Realize that even existence in this beautiful world is in itself a boon, the worth of which mortals can not fully understand. Realize that the best lives ever lived, those highest in happiness to their possessors and blossoming sweetest in the memory of those who shared them, have been the simple, faithful lives of those lowly mortals who accepted the blessings and chastisements of God's mercy without question or complaint. Doubtless it is true that:

"The happiest heart that ever beat
Was in some quiet breast,
That found the common sunshine sweet
And left to Heaven the rest."

To be just, aye more, to be charitable in our estimation of the conduct of our fellow-men, is right living. He shuts out from his heart much of God's sunshine who sits in swift judgment on the conduct of those about him and condemns them by his own selfish standard. Look with great charity upon the imperfections and short comings of all. Give to each act the best and most kindly construction. Understand that you can not form any just judgment as to the propriety of another's act unless you know all that influenced it. Put yourself in his place. Remember that you know

not the weakness, the temptation, the accidental surroundings which made an act possible; that you can not even thoroughly understand its extent or its motive. Look not with scorn upon the other's failure. Why should one atom assert itself in pride above another? Why should one imperfect mortal, unable to properly appreciate his own relations to the things about him, undertake from his inner consciousness with his imperfect understanding of outward things, to set up a standard by which to try and condemn his fellow-men. If you must judge at all, strive in so far as you can, to use that better and higher test which the Father will surely apply to the acts of men and determine the deserts of each; not by that wherein he succeeded, but that wherein he well meant. Judge not the value of labors by the results attained, but by the sincerity of the intention and the honesty of the efforts that were put forth.

But the subject grows, and the length of this address forbids even a substantial reference to all those elements of right living, the observance of which, as I have said, go to make up the happy, useful, blameless life, the memory of which shall stand forth to challenge admiration and secure loving remembrance in the days when remembrance shall be all that remains of you or me. Let each man for himself make a new resolve toward right living. Let us go back into the world, and, taking up our daily duties, resolve to so discharge them that their outward influence shall come to mankind as a benediction. "Look not mournfully upon the past; it comes not back again. Wisely improve the present—it is thine. Go forth to meet the future with courage and a manly heart."

Response to the Toast, "The President of the United States," at Jackson Day Banquet, Tomlinson Hall, Indianapolis.*

OR a quarter of a century no Democrat was President of the United States. Yet, during this long privation of power, the Democratic party exhibited such fidelity to principle, unselfishness, steadfastness of purpose and greatness in defeat that the history of party politics for all time is challenged for a parallel.

It outlived old men's quarrels. Its chart showed no sectional lines. Young men flocked to its standard and its doctrines found favor alike in factory, field and university. It became the recognized champion of good government, honest money, fair elections, equal taxation. It was a proud party, clean, brave, reliant, aggressive. That such a party must finally succeed was

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*At the conclusion of this speech, Chief Justice Hackney, of the Indiana Supreme Court, addressing the speaker, said: "Under the circumstances, it seems to me, that, is the bravest speech ever made." Later, Ex-President Cleveland wrote the following comment upon the speech: "Is he the only one who has seen the condition, or is it true that he alone has the courage and patriotism to exhibit this evil in all its deformity?"

as certain as that the great globe would hold its course; and when its time of triumph was at hand, it found a fitting candidate in the person of a plain, lifelong Democrat. Not one who had held high place in its ancient counsels, or had been long distinguished in its history, but a man with clean hands and wholesome prejudices, fervid in the faith, recently from the ranks, and who, with brief official opportunity, had come to be known as the great reformer of the East. With him as its candidate, and with all its purposes declared in the one comprehensive word, "Reform," the Democratic party met and overthrew the hosts of misrule, and exalted to highest station Grover Cleveland, the twice-chosen and now President of the United States. And thus there came to the Democratic party the opportunity of power and place, and the honors and emoluments of office throughout the whole land; and one would have thought that thereby the party would be stronger and greater than ever—but was it? No; at the very next election, even in Democratic Indiana, the State House was filled with Republicans. And as for the Legislature, why, notwithstanding a promising gerrymander, one which when enacted looked so perfect that we seemed to "take a bond of fate," we secured a bare majority on joint ballot by the aid of the vote of a Populist Representative, and by swearing we ran my good friend, Judge Nelson, for Lieutenant-Governor merely for the fun of the thing. Then came the defeat of 1888, and power and place departed from Democracy. Did this make the party weak and inefficient? On the contrary, in two years it carried the Congress, and two years later re-elected Mr. Cleveland by such a tremendous vote that it was for a time doubt-

ful whether Harrison or Weaver had run third. Then all the opportunity of party patronage came again to our party, but strength and virility again departed, and the shouts of our adversaries yet ring in our ears, reminding us of the most crushing defeat ever sustained by a political organization. And there is not in this hall one Democrat who does not look with anxiety, not to say apprehension, to the result two years hence. That these things have occurred all men know; that the outlook is as I have suggested no man will deny. Let us seek the cause. We are not children assembled merely to gaze at the political phenomena of recent years and babble at its curious features, and calm each other's fears, and go our several ways and leave the party to go its collective way to the devil. We are here as men, to take counsel of each other, to look in each other's faces and to speak the truth in a spirit of self-sacrifice.

From the day Grover Cleveland was first nominated for President there has never been any substantial change in the beliefs held or principles advocated by our party. Each succeeding campaign has seen them more boldly declared and more enthusiastically supported. At no time has there been any faltering in our aims, either by the administration, or by voters sufficient in number to seriously influence the result of an election. Never in the history of the party might one more truly have said that he was proud to be a Democrat than during the campaign that had just closed. Then, why these disasters? You know me for a partisan, one who has ever been an unyielding, zealous, blind partisan. While neither wanting nor seeking federal office myself, my keenest wish has been to see every post of

honor and profit in all these States filled by a sound, earnest, deserving Democrat. And you are also partisans. After all the years of toil, privation and defeat through which we marched to our first real victory, in 1884, what words were so sweet to our ears as those attributed to the great Marcy, "To the victors belong the spoils"? And did we not, when we entered upon the cares of government, frequently declare as a profound political truth, that the party charged with the responsibility of the government ought to have all the power? Was not much grandiloquent talk indulged in about "the boys in the trenches," and all that sort of thing, by which was simply meant that when our man secured the Presidency, the offices and public employments should all be vacated by our opponents, and we, the true believers, the salt of the earth, at once enjoy all the contents of all the flesh-pots! It is a beautiful theory. I held to it a long time, and it hurt my pride greatly to find it hollow; but the fact is, this very fine theory has proved horribly disappointing in practice. Now, every man will admit, who is willing to admit the truth, that party patronage, under existing conditions and as now distributed, is a fatal source of party weakness. Its mere possession is a handicap, and its exercise invites disaster. Witness the result of the effort to enact Democratic policies into laws during the last eighteen months. Observe how a united party assembled at Washington soon after the last inauguration, and proceeded to redeem one of the pledges upon which the election had been won, by the repeal of a financial monstrosity called the Sherman act. And then note the hatreds, jealousies and heartburnings which, a year later, resulted in the President being

openly attacked on the floor of the Senate, divided our leaders into factions, filled our newspapers with bold and bitter criticism of those in authority, and brought anger and sorrow to the great mass of Democratic voters. The cause of this is not to be found in any change of principle. It is not because of any change of men. Why were great Senators exiled from the White House, and why did they, in turn, desert and baffle Democratic measures and confuse and dishearten Democrats everywhere? Simply because of the disappointments, jealousies and hatreds arising out of the distribution of the party patronage. Instances might be multiplied, but what need for further proof that there is no party advantage to be gained from the system so wretched that it drove the accomplished Conkling from the Senate and sent the murdered Garfield to his bloody grave.

Let us see about the other false pretense by which the managers of the spoils system have pulled the wool over people's eyes. How about "the boys in the trenches"? How about those "victors" that demagogues glibly declared should receive the spoils? Of all political lies and shams this is the meanest. It may well be denounced as a contemptible cheat, a confidence game, which has been played on the masses of both parties until the limit of patience has been reached. The spoils do not go to the "victors," if by that term you intend to designate the great mass of working, earnest, worthy, modest Democrats. On the contrary, these places are, as a rule, given to the crafty, the persistent, the brazen; to dependents and incapables. With some honorable exceptions, men elected to Congress by the dominant party act as if the simple fact of their elevation to the office of Senator or Repre-

sentative gives them the absolute right to bestow all other places. And they proceed to do so—but how? Do they seek out the capable, worthy, deserving, working Democrat? By no means. One class of these thrifty politicians fill these places with their favorites, relatives and flatterers. Another class bestows the places on such as have a "pull"—such as have exercised or may have influence in precinct, county or congressional conventions.

All these office brokers agree to one thing, and that is, that public office is a private perquisite. If you complain, they whisper to you in great confidence that the President is acting very badly toward the party. If you want an appointment, and can get the proper assistance from the great man who represents your district or State in one of the halls of Congress, you will succeed, no matter how little you deserve from the party. On the other hand, if, after years of faithful, earnest, modest work for the party, you seek a place, you may as well throw your party service to the winds, for you must succed by other methods. You must find favor in the eyes of your master, this Congressional middleman, or you will surely fail, no matter how long you have been getting cold and wet doing duty with the other "boys in the trenches." True, under this system it sometimes happens that an office is worthily bestowed. There have been admirable appointments made in our own State, but in a great majority of cases the most deserving applicant did not succeed, and some of the appointments were bad. Since, then, there is neither party strength nor justice to the individual in this system, ought the party and the President to longer endure its evil and odium? The position of

President does greatly suffer in strength and dignity, from the vexations incident to the struggles of rival politicians, from the loss of support to his policy and administration, and from the scandalous clamor and abuse of the disappointed and vindictive. No man has endured more in this regard than the great American who is now the President of the United States—and through no fault of his. From the first this man sought to realize the purpose and promise of the superb party that elected him. He endeavored to execute its avowed policies, to achieve its best aspirations. He held fast to the great truth that his office was a trust to be administered for the good of the whole people, with due regard for party, but always in profound obedience to law. For this posterity will exalt him. In the light of sober reason, our complainings and criticisms will be seen to be unworthy and trivial, and will cease to obscure his fame. Then men will justly measure the nobility and worth of a great and unsullied career, one of surpassing value to his country, and reflecting such glory upon the Democratic party that it will be proud to accord to him the enduring honor of a place in the first rank of Democratic statesmen with Jefferson, Madison and Jackson.

Speech to the Sound Money Club of Columbus, Indiana, September Twenty-Six, Eighteen Hundred and Ninety-Six.*

HOUGHTFUL men are deeply impressed with the belief that we are approaching a crisis in the history of the Republic. They believe that the coming election is one of a series of events through which our institutions are to be put to a final test. The demands of such a time disclose the fiber of every citizen; more especially every one who has been accustomed to take some part in the discussion and management of public questions in the community where he lives. To such a man cowardice counsels silence; and self-interest whispers to yield to the popular current of his party, and to subordinate his own convictions of right to the com-

*The delivery of this speech was one of the most striking instances of the revolt against the Chicago platform of 1896. As stated in the preface, Col. Jewett had all his life been an unswerving Democrat. In February of the same year his party associates, in urging his nomination for Congress, said:

"The interests of the party require that we have a candidate who can make a canvass brilliant and successful enough to secure every possible vote for the Democratic State and National ticket, and make the election of a Republican to a county office of this district impossible. The party needs a candidate who will make a superb and winning canvass upon the stump, and who, when elected, will bring this great Democratic district the prestige to which it is entitled. It needs a man who, by service and devotion

fortable and, it may be, profitable policy of openly advocating what he knows is wrong. With the weaklings and self-seekers who are controlled by these base considerations, let us have no controversy, but remit them to the sufficient punishment of their own contempt. For myself, I conceive it to be the duty of every man in this campaign to declare himself for what he believes is the right, and to do this with courage, in a spirit of self-sacrifice.

While this duty rests upon men of all previous political views and party associations, to none does it come with such stern command as to those who have in times past given unquestioned support and allegiance to the Democratic party. To that class I belong. During all the years of my manhood, I have given to that party zealous, unswerving and unselfish allegiance. Twice placed at the head of its organization in this State and entrusted with its dearest concerns, I had there the honor to stand in 1888, when it fought its greatest campaign, and again in 1890, when it achieved its greatest victory. I look back upon that time, as I think you may, with entire satisfaction, with conscience fully approving every position assumed and every act attempted or accomplished. Nevertheless,

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to the party in the past, has earned a claim to reward. Such a man is Charles L. Jewett of New Albany. He is the best public speaker in the Third Congressional District in either party. As Chairman of the State Committee and elsewhere he has rendered valuable and willing service to the party. He is in the prime of life, capable, genial, generous and popular. He is a self-made man who well understands the struggles and hardships of the great mass of the people, for he has endured them. He is not only a distinguished lawyer, but an intelligent business man. He has the ability to obtain for the District in Congress the dignity and power it deserves and should command.—(Address of Floyd County Democratic Central Committee, February 1, 1896.)

Yet because of his belief that his party was wrong, Col. Jewett soon after declined to continue his race for Congress, and later, by this speech, withdrew from the Democratic party.

these things are of the past. And while it is a happy past, full of gracious memories, and for which to-night there is not in my heart or upon my lips either apology or regret, the hard fact remains that it is all past, and that we stand to-day in the presence of new and strange conditions, and compelled, whether willingly or not, to participate in the decision of new issues affecting the very integrity of our government.

Under such circumstances, not only is it the duty of every man to speak, but the supreme obligation resting upon him is to speak the truth, and to deal with things as they are, fearlessly and without regard to personal consequences. This is my first and shall be my last public utterance in the campaign. What I say is intended exclusively for those who, up to this time, have been Democrats. In so doing, my guide and inspiration shall be the words of one of the world's greatest writers: "Be honest with yourself whatever the temptation. Say nothing to others that you do not think, and play no tricks with your own mind. Of all the evil spirits now abroad in the world insincerity is the most dangerous." In a spirit of self-abnegation, with an earnest desire to be entirely influenced by these words, I address you, and do trust that what I say may enter into hearts moved and guided by the same high considerations.

No more striking proof of the instability of party affairs can be given than by considering what has occurred to the Democratic party in less than four years. A little more than three years ago, with an ideal American and an ideal Democrat as its candidate, it swept the Union, carrying strongholds theretofore deemed impregnable, and placed this great man in the Execu-

tive office with a Congress at his back Democratic in both branches, each and all pledged to execute policies and legislate for reforms for which the party had battled for a quarter of a century. It was not only a victorious, but a proud, united and hopeful party. Its doctrines had found favor in field, factory and counting-room, throughout all the sections, and it seemed to have entered upon a career of usefulness to be unexampled in the country's history. What was the spectacle which that party presented at the beginning of the present year? Its legislation had failed through the ignorance, incapacity or treachery of those to whom it was entrusted. The patriotic efforts of a self-sacrificing President had been thwarted through the malice of disappointed and scheming politicians of his own party; the dignity of his office assailed; his personal integrity and that of the members of his Cabinet attacked; sound administrative measures denounced and misrepresented, and the entire party organization reduced to a condition of emaciation and despair. Notwithstanding all this, much was left. The principles of that party yet remained in its keeping, a rallying point around which, even when defeated, as it was fated in any event to be, the members of that party might gather, and through which they might hope to again secure the co-operation of their fellow-citizens, and at some more fortunate, and it may well be believed, early time, to win a victory and again attempt to put into operation throughout the land the beneficent effect of its policy.

But the degradation and humiliation of the party were yet to occur. It came and has increased with appalling swiftness; until to-day, those who best loved and

most earnestly strove for the success of that organization, are appalled to see into what unworthy hands the organization has passed, and to what ignoble and treasonable purposes its forces are being applied. I firmly believe that this feeling of astonishment is even shared by those who most loudly support this degradation of the party machinery and its voting strength. I have never for an instant believed that the men who have dragged the proud Democratic party in the mire deliberately contemplated such a result at the beginning. They seem rather, out of the despair into which the party was plunged before the campaign, to have evolved a condition of things which, culminating in the delirium of the Chicago convention, swept these venturesome marplots far beyond the point they had every expected to go, and left them high and dry in the hot-bed of populism and communism, where they now lie without the courage to withdraw, and under the pretense that they are comfortable. I am not willing to believe, much less to charge, that the great body of those who participated in the Chicago performance, or who now approve its work, are intentionally wrong or knowingly unpatriotic. The truth is, that under frenzy arising out of conditions then and now prevailing, they have fallen under the control and direction of a few political desperadoes, most of whom were not Democrats, or were driven into a false position, the enormity of which they did not for a moment comprehend. Be that as it may, it is not profitable to spend time in seeking after or classifying causes. We are to-day face to face with the fact that the great Democratic party which we so loved and served; the party of Jefferson, Jackson, Tilden, Hendricks and Cleveland;

the national party which knew neither section nor distinction among the people; the conservative party, which shunned all experiments and vagaries in government and stood jealously and earnestly for the Constitution; the party of law, and which always taught that the only real liberty was liberty under law,—has been transformed to new leadership, and is to-day dominated by the spirit and personality of a tramp from Ohio, an anarchist from Illinois, and a belated secessionist from South Carolina.

I know that much is said about the claim of regularity and the duty of members of the party to support its nominees. If I may be permitted to again make a personal reference, no man has ever more strongly asserted this duty than myself. Throughout the State of Indiana there has passed current in the press my own assertion to the effect that the only man who is a Democrat is the man who votes the Democratic ticket, and that no profession of faith could determine a man's partisanship, but the sole and only test is how he votes at the election. I believed that assertion when I made it; I believe it now, and, as you shall presently see, am quite willing to be judged by the test I put to others, and be classified according to my own rule.

But the sufficiency of the objections raised against the Chicago platform are not to be determined by this consideration of party regularity at all. We hear much of bolters nowadays, but the term can not properly be applied to any man who dissents from the action of the Chicago convention. For the second time in the history of the country, the refusal of an enormous number to support the ticket, arises, not from objections to the men nominated, but to the platform. Heretofore,

bolting, so-called, has arisen out of refusal to support particular candidates because of personal objections to them. Now the objection is deeper and more vital, because, while nobody in particular objects to the personality of the candidates named in Chicago, almost every Democrat dissents from the platform except those who fail to give the matter thoughtful and impartial consideration, or those who are hidebound by party prejudice, hoodooed by party name, or infected by the prevailing cowardice as to party desertion. And indeed, this platform is a most astounding creed, so different from anything heretofore delivered by the Democratic party, that it would not be recognized as a Democratic platform except that its authenticity is otherwise fully established. Read in the light of the circumstances under which it was adopted, and considering the influences by which it was created, it is seen to be a jumble of populism, nullification, lawlessness and dishonesty, abhorrent from any point of view. I am aware that it will not do to merely indulge in a general denunciation of this platform without pointing out at least some of the parts which are objectionable. Those who support it do much complain that, while it is much denounced, there is an absence of specification. This is a just complaint, and I do not propose to subject myself to it, though to be sure the limits of this modest effort will not permit a discussion of all the objectionable features. I propose to consider some of the matters in question, and in that connection it may surprise you to know that I am not inclined to discuss the money plank at all. The land is covered with orators going about discussing the money question. In my judgment, the only criticism to be made upon the campaign now be-

ing waged against the abominable doctrines proclaimed at Chicago is that the money question is being given too much prominence, and the result is that a vast majority of our people think that the only question of vital importance between the parties is a currency proposition. And the manner in which the discussion is carried on makes the matter even worse. It is pitched on the same low plane that the tariff discussion was placed during recent campaigns, an appeal to the self-interest of those who listen. The discussion should rise higher and stop far short of where it now goes. I make it a question of patriotism, not of pocket, and declare to you, that inasmuch as the free silver proposition at the threshold involves partial repudiation of the public debt, to the payment of which the national honor is pledged, and partial repudiation of private debts, to the payment of which the individual faith of millions of our citizens has been pledged, then I say I will not stop to discuss the pros and cons, the advantages and disadvantages of a system which can not be given even a trial except at the awful expense of national dishonor and wholesale private dishonesty.

Nevertheless, there are things in the Chicago platform, stated either directly or by innuendo, beside which the enormity of all this sinks into insignificance. These things can only be properly understood when considered in the light of the circumstances which surrounded and the forces which dominated the convention that adopted them. Let us see:

The very atmosphere in which the Chicago convention assembled was charged with the spirit of insubordination, treachery and a departure from the time-honored principles of the party. Observant men saw

the beginning of the end when our own State convention assembled at Indianapolis. At the capital of this great Democratic State a party assembled which in the past, so far as the memory of man extends, had been distinguished for its fairness, tolerance, conservatism, obedience to party usages and adherence to party principles. But in June all was changed. Though thousands were to comprise the convention, a midnight caucus held in a bedroom of an Indianapolis hotel settled all questions of party policy. For the first time in the history of the party, tried and trusted men, long associated with its fortunes, sat silent in its councils, even when they were graciously permitted to remain as mute spectators. The very walls of the convention hall foreshadowed the destruction of the ancient Democracy. Among the trappings of the hall there was found no room for the honored face of the President of the United States, of Thomas A. Hendricks, Joseph E. McDonald or Isaac P. Gray. These honored features were hidden away out of sight because their very presence would have been a rebuke to the purposes proposed and the results there accomplished. We saw the chairman of the State committee, a vigorous, earnest and honest Democrat, driven from his place as a ward delegate of the city of Indianapolis at the behest of men who did not question his election to the seat, but only coveted it that they might prostitute it. The gag rule took the place of fair discussion. Populism supplanted Democracy, and the convention was rich in promise of what was afterwards to occur at Chicago.

When the convention met at Chicago riot was in full sway. Those who favored the strange doctrines

there to be proclaimed, and those who shrewdly guessed that out of the hysteria and hurly-burly there created they might obtain for themselves some prominence or profit, vied with each other in frantic efforts to appear the more devoted to the bad cause about to be espoused. It began with bold and bitter criticism of the President of the United States. This great man, the only President elected by the party in a quarter of a century, yet in the execution of the duties of his high office, carrying the standard of the party to loftier heights than it had ever attained within the knowledge of any man now living, was the favorite object of attack by the small souls and slanderous tongues there assembled to mingle and to chatter. In the lobbies of the hotels, through interviews in newspapers, in every conceivable way, these harpies sought to advertise their fealty to populism, and to magnify themselves by brutal slander of the President of the United States. It found its fitting climax when a mountebank who disgraces a Southern State in the Senate of the United States, offered a resolution for the adoption of that convention, which disgraced the convention in that it allowed it to be read. The institutions of the party were attacked. If anything has ever been established in the Democratic party it is the right of States to be represented in a convention by duly-chosen delegates. Yet for the purpose of obtaining the requisite majority in that convention, without the shadow of a right, without even the pretense of a contest, duly elected delegates from the State of Michigan were excluded from the floor, and their places filled by men who had not a shadow of a title to represent, or rather misrepresent, the people of that State. And by the

same revolutionary methods the representation of the State of Nebraska was denied to the Democratic party of that State. Its representatives were driven from the hall, and a delegation of Populists, headed by the man who was afterwards nominated for President of the United States, was elected in triumph and welcomed with applause. Was it strange that out of the meeting of men so drunk with their own temporary power and importance, so regardless of party usages, so lawless as to the rights of fellow-Democrats, there should have been evolved a platform, the most grotesque declaration that has ever emanated from any convention that could justly claim to influence the result in the election of a President? The Chicago convention declared—

"We denounce arbitrary interference by federal authorities in local affairs as a violation of the Constitution of the United States and a crime against free institutions."

We all know what this means. Chicago was in the hands of a mob. Private property was being destroyed. Innocent persons were being terrified and maltreated. Mails were delayed and interfered with. Women and children were suffering for food and water upon trains that were standing still on the hot prairies of Illinois. The mandates of the courts were set at defiance, their officers resisted and beaten, the local officers of the State were either conniving, inefficient or terrorized. The President of the United States restored order, protected the property of the Government, and enforced obedience to the judgment of the courts. For this a grateful nation applauded him, and the Senate publicly approved him. But he had offended one small soul, an

unfaithful public servant, the Governor of Illinois, and at his behest the convention of this powerful party, by this deliberate declaration, became a party to his infamy, which denied the right of the President of the United States to enforce the laws of the United States within the several States of the Union. It is almost disheartening to find that any considerable collection of men can be found at this late day to thus deliberately declare the exploded doctrine of nullification, which was the twin of sectionalism and the parent of secession. If the long and bloody war for the preservation of the Union settled anything beyond question, it settled the fact that, in the execution of its powers and the assertion of its own prerogatives, the authority of the United States is supreme. Nullification is as dead as its apostle, John C. Calhoun, and he who seeks to revive its spirit by reopening the question must not expect to escape being classed as an enemy of public peace and the security of the Union. The thing that lives and endures is the truth proclaimed by Andrew Jackson in his famous toast proposed as a defiance to the nullifiers: "Our Federal Union, it must be preserved!"

Again, the convention declared: "We especially object to government by injunction as a new and highly dangerous form of oppression." This open attack upon and denunciation of the courts grows out of the fact that the United States courts were used as an instrument with which to support and enforce the laws of the United States. A declaration like this is a species of anarchy. It invites the rule of the mob. Liberty under and subordinate to the law is the only real liberty. Liberty in defiance to law is license, the

tyranny of the powerful, the rich, the strong, the oppression of the weak, the poor, the obscure. If there is anything in the American Government in which every citizen has an active and earnest interest, it is in the preservation of that system of jurisprudence established for the enforcement of justice and the equal protection of all. And among all the powers asserted by the courts none is so wise or benevolent as this same power of injunction here denied. To indulge in this declaration was but a concession to the lawless element of misrule, kindred to the denial of the right of the President to enforce the laws, and was a concession to anarchy and communism.

The platform declares: "We are opposed to life tenure in the public service." This is an attack either upon the judges of our national courts or upon the system of civil service which now prevails as to minor places. I am inclined to think it means the latter, and is an open bid for return to the spoils system, which so long disgraced, degraded and harmed the public service. It is the first time since its adoption that either of the two great parties has dared attack this most excellent system. While I think that some reforms and changes in the manner of examinations are desirable and will be accomplished, nevertheless, the permanence and security of the system, its greatest merit, can never be successfully attacked. It has always been a Democratic doctrine, and is of Democratic origin and growth. It has been strengthened, extended and upheld to a greater extent by President Cleveland than by all the others combined. It is fast taking out of our politics the canker and the evil which are one fruitful source of debauchery. It has had the justification and approbation

of the wisest minds in both parties. It is fixed in the system of our country, and no wild-eyed denunciation can serve to shake it. Yet these party marplots, in their anxiety to appeal to every class of dissatisfied and discontented voters and thereby increase the slender chances of their own success, practically demand that with each presidential election all the positions of the government shall be placed at the mercy of spoilsmen and distributed by Congressmen and Senators as their private perquisites. Such a denunciation is useless, and is only valuable as showing to what desperate straits the Democratic party has been driven in its search for votes.

If any doubt existed as to the atmosphere under which this platform was formed and the nomination made, and the baleful influence that it has exerted upon the people of this country, the campaign since made in support of the nominees of the Chicago convention would supply the proof. Sectionalism, a thing new to the Democratic party, a thing deprecated and denounced by every one of the patriots of our country from beginning until now, has been openly and definitely preached. The candidate for President himself started into the Empire State of this Union with the declaration that he was going into "the enemy's country," and from that day to this it has been loudly proclaimed from a thousand places, that there is in this country a difference in interest, a difference in patriotism, an inequality in the way the public burdens are borne, and a hostility between the people, growing out of the accidental matter of their homes being in different sections of the country. An effort is being made to array the West and South against the North and East,

and create the impression that the people of these two sections are not only rivals in business, but are aliens in interest and hostile in feeling. Baser yet is the effort to teach the people of this country that its citizens are divided into classes according to their accidental conditions in life. Orators parade the country preaching about the masses and the classes, as if thereby American citizens were to be distinguished one from the other. They appeal to the cupidity, the envy and the necessities of one so-called class to arouse hatred toward another, and in this bad effort they are sowing the seeds of discontent. They are implanting in young and half-formed minds lessons foreign to American institutions, teaching people that envy and hatred can be made a substitute for honest endeavor and patient industry; that the duty of building one's self up ought to be abandoned in an effort to pull one's neighbor down, and are thus creating, among her before contented and happy people, a spirit of discontent and despair, which it will require a generation to remove.

The surrender to the populist idea in the platform and candidate has been completed by the surrender of the control of the organization to that same erratic master. From Maine to the Gulf deliberate bargains are being made, whereby, under the name of fusion, it is sought to barter for office the support of the voting power of this organization. This unholy alliance has for its object not the advancement of any common principle, but merely to satisfy greed for office. It is destructive of all party discipline and dishonoring to all those who engage in it. In one congressional district of this State, a man who never voted a Democratic ticket in his life, and who to-day does not believe in a

single principle that the Democratic party ever held prior to the meeting of the Chicago convention, is the Democratic candidate for Congress. In the neighboring and capital district of the State, only a few weeks ago, the Democratic party having the votes to send a man of its own faith to the House of Representatives, met for the purpose of nominating a candidate. A handful of populists, representing a disgruntled minority of the people of the district, met at the same time and sent a message to the Democratic convention to the effect that of the several candidates before that convention there was one the populists would not support, and that he must not be nominated. The orders were obeyed. The insult was accepted. And so it happens that an able and accomplished gentleman, a life-long Democrat, in every way qualified for the place, was deliberately rendered incapable of holding this office or receiving the nomination for it by the action of these recent allies of the Democratic party. Can the degradation of the party proceed farther? Can the humiliation of its members be made greater? Can the inducements offered every self-respecting man to abandon it be increased?

Not the least disheartening of the spectacles presented by this uncommon campaign is the insincerity of those who are supporting this so-called Democratic ticket. While doubtless there are many well-meaning and honest people who believe in the doctrines enunciated at Chicago, you and I know that the vast majority of those who are seeking office upon the State and county tickets, those who as politicians are managing the campaign, and those who as the leading orators are making the canvass for that platform, do not be-

lieve it, and do not indorse it. We can pity and in a certain sense respect the man who follows a mistaken belief and gives it his earnest support; but what measures of contempt shall be meted out to those who this very night, throughout the State of Indiana, are using their ability, their standing in the community and their position in the party, to make people, less informed than they, accept doctrines they know to be wrong, or at least do not believe to be right?

It may offend some of you for me to speak of the party which met at Indianapolis as the third party, because I believe the principal bone of contention between the folks who met at Chicago and at Indianapolis is as to which is the real, genuine, name-blown-in-the-bottle Democracy. One of the other of them, however, is the third party. It was not to be supposed that the odious performance at Chicago was to go unrebuked. It was not to be believed for a moment that even strength of party feeling and the regularity of the convention would be sufficient to force this ticket and platform down the throats of all of the self-respecting Democrats in the United States.

The demand for another convention was quick and widespread. The summons sent out inviting the scattered hosts of the late Democratic party to assemble at Indianapolis breathed patriotism in every line. The personnel of the convention assembled in response to the appeal disclosed the devoted, the wise, the unselfish Democrats from every State in the Union. They were men who had borne its burdens, fought its battles, endured its defeats and shared its victories. It was a convention of genuine Democrats, but it was not a convention of the Democratic party. Its platform was ideally

Democratic. It nominated for its candidates two men of national renown, honest, brave and patriotic; and besides, it nominated for President a Democrat who voted for Cleveland and Stevenson in 1892, and that is what no other national convention has done this year. But it was not the convention of the Democratic party. Its ticket has been received with approval by pure and patriotic men of the organization in every part of the Union, from President Cleveland to the most obscure citizen, but none of these things will avail to make it the regular Democratic organization.

The avowed purpose of the movement is to maintain the principles of the party, to preserve the ark of the covenant, so to speak, and at the proper time to again rally the party under the true banner and go forward to the accomplishment of the ancient purposes. Whether these are all the reasons which led to the assembling of this convention I am not so sure. The gentlemen who participated in it, doubtless, to some extent, deceived themselves. While they claim, and I cheerfully accord to them the highest degree of self-sacrifice and patriotic desire for the party's good, it may well be doubted whether there are not some selfish elements existing in that organization. I grant you that these men may not know that any selfish purpose dominates them, but may there not be some feeling of resentment because at Chicago others were honored and preferred in leadership to them? May there not be some desire for future preferment, which leads them to hope that in the reorganization of the party they may stand for the real article and wield its power and influence? And is there not certainly a beyond question in it all—an element of fear which hesitates to

openly renounce party, and which is wedded to name and form rather than to substance and fact? May not these things to some extent have controlled the action of these gentlemen in calling and conducting their convention?

Cheerfully according to them, however, the greatest credit for loftiness of purpose and purity of aim, I dare charge and undertake to prove that they will fail. These men only hope to have a dominant and powerful party when they shall have recalled its former membership to reason and gathered it again under the old standard. But it seems to me sufficient reason why this hope will not be realized is found in the fact that under far better conditions these same men were unable to enforce their views upon a majority of the party. All their labor, pleadings and threats were unavailing to turn the party aside from its march to doom in recent weeks. How, then, can they successfully claim that when the voters, debauched with the false teachings of this campaign, shall return, disheartened and defeated at its close, out of this same constituency, decreased in power, lessened in integrity, they can ever erect a party which shall take the place of the tractable, conservative, law-abiding old Democratic party? Moreover, is there not something in the claim which others have been making about us for a long time, that our party can not successfully govern the country? You and I have been very indignant at this charge, and have loudly declaimed against the idea that one body of American citizens, when it amounts to a majority and is based upon accidental political associations, does not contain as much patriotism and intelligence as another of approximate size. I would not care to dispute the

truth of this view. But still, that does not answer the question. Is the Democratic party as capable of governing the country as its adversary? If not, why not? Assuming that an equal amount of intelligence and love of country exist under each organization, may there not be another reason why the Democratic party has thus far, in discharging its duties when in power, fallen short of the high standard which those who voted its ticket and rejoiced in its success expected it to attain? I ask this question, and I leave you to answer it to your own consciences. Is it not true that, in the Democratic party, leadership and independence and courage are not regarded as in the Republican organization? If an instance is wanted, I will ask you why Grover Cleveland, brave, original, independent, thoroughly imbued with love of country and desire to serve his party, has from the first been upbraided, opposed and finally derided and hated as he is to-day by the great mass of the Democratic party. Why is it that a leader and a thinker and a patriot like this is so abominably treated by members of his own party, while demagogues, without originality, without invention, purposing nothing and attempting nothing for the benefit of their country, merely seeking the level of the lowest strata of the party, and pandering to the whims and passions of that element of the party for the sake of office, are held in the highest esteem as the party's idols, and its richest prizes awarded to them? May we not conclude that there is something radically wrong with an organization where intelligence, leadership and independence are handicaps and obstacles to success? Assuming, however, that it were possible, by patient work and long waiting, to induce the party

to retrace its steps and again stand on the firm, high ground it once occupied, are not these gentlemen who are devoting themselves to the work undertaking a thankless task? As for me, I have no stomach for the job. The great mass of the Democratic people of this country were always loyally devoted to the preservation of the Union, and during the bloody war between the sections they did their duty as such. Yet those of us who cast our first vote twenty-five years ago found the party distrusted and abused, simply because a few hungry officeseekers, machine politicians and party cormorants had, by their treasonable utterances and malicious attempts to commit the party to the cause of disunion, placed the whole patriotic membership under the ban. Some of us struggled for a quarter of a century to outlive old men's quarrels and remove the effect of these old mistakes and wrongs. Finally, it had been accomplished. We stood in possession of the Government, with the greatest Democrat of all in the presidential chair, when the marplots, and some of the very same men who caused the trouble before, again kicked the party into the mire of communism and populism. Now we are asked to undertake another twenty-five years' journey through the wilderness to restore the party to its standing in the community and to put it in such repute that it may go at large without giving bond to keep the peace. As I said before, I have no stomach for the task.

Since our country is of necessity governed by parties, it is the duty of every man to give his support to one of the two great parties, and to cast his vote in such a way as to actually influence the result. The right of suffrage is a sacred trust, and no man can fully

discharge his duty by going to the polls merely as a matter of exercise and throwing away his vote. No sensible man fishes in a cistern, or wastes his ammunition firing at the moon. And coming again to the matter of insincerity in politics, it may be observed that this trait is not entirely confined to some of the people who are supporting the Chicago ticket. Whatever the future purpose of those who named the National Democratic ticket, no one will dispute that the present one is the election of the Republican ticket. What can be more grotesque than this thing of running one ticket for the purpose of electing another? I ask you, is it not the more sensible thing, is it not the more manly thing, to directly and openly espouse the cause of, and vote for, the Republican ticket?

But, say you, there's the tariff question; how shall we get over that?

For myself, I confess that in the hard school of experience I have been taught to modify my views as to the tariff. The theory our party has held is a beautiful one, an attractive subject for the stump-speaker; indeed, an ideal theory; but has not experience demonstrated that, like all other ideals, it is the unattainable? We fought for it in three elections and got licked in two of them, and then we finally succeeded with our theory and elected a President, a Senate, a House of Representatives, and had a Cabinet assembled, all for tariff for revenue only, and everything seemed lovely.

What was the result? After a long and tortuous session, the delay and uncertainty of which paralyzed the business of the country, our tariff production came forth. What was it when formulated? An awkward, ill-conceived measure, differing from its predecessor

only in degree, one which has disturbed business, has failed to produce the revenue necessary for the purposes of the government, an epitome of failure, the joint production of many authors, yet despised and hated by each other, a nondescript brat which no one would father, and for which the President of the United States very properly refused to stand godfather by affixing his signature of approval. What, then, is the truth of the whole matter? You can not have a tariff for revenue only for the simple reason that you can not elect angels from Heaven to seats in either branch of Congress. A tariff for revenue only can never be enacted for the reason that such a one must be laid almost entirely upon some of the commonest necessaries of life, reaching and affecting every citizen in the most irritating manner, and the promulgation of such a measure would cost two-thirds of the men who voted for it their seats at the next election. The cheap men who now hold seats in Congress, and the cheaper ones who are trying to secure the places, are not going to risk their precious salaries by voting for a measure that puts them in absolute peril.

To my mind, the future prosperity of this great nation will be most surely reached by a system of sound money, a tariff sufficient to produce revenue adjusted in the interest of our own citizens, and a vigorous foreign policy which shall make reciprocal trade not only an advantage to us, but a necessity to all our neighbors upon the American continent and among the Western seas. Such a policy will carry the flag and the commerce of our country around the world. All honor to the Republican party in that it now stands for all these things. It made great sacrifices to do so. It sacrificed

the support of States rather than retain them at a price which it scorned to pay. Laying aside old quarrels, forgetting old differences and coming with unbiased minds to a consideration of present emergencies, it must be admitted by candid men that, either from choice or through force of circumstances, the Republican party to-day struggles for the best interests of the American people. Its platform is distinctly right upon the questions that are now agitating the public mind. Its candidates manfully accept that platform in all its integrity, and stand to-day for that which is most laudable in politics, most conducive to the public peace and the preservation of the public honor. At least, I believe these things; and so believing, give to this party my vote and cheerful support. I do not overlook the tremendous price which every man pays who prefers his country to his party, and who allows his patriotism to come between him and his former political associations. It means that he must abandon all hope of political preferment, and forever lay his ambition upon the altar of his country. Those who are not willing to make such a sacrifice may follow their own course; I have chosen mine. Believing that so long as present conditions exist that it is the duty of every patriotic man to support the Republican party, and its candidates, I will do so cheerfully and without the slightest regard to personal consequences. May you do likewise. We will march to the music of the Union; and our high purpose shall be one country and one flag, now and forever.

A Speech in the Defense of Professor Ira G. Strunk, Who Was Indicted for the Murder of Charles V. Hoover.

OU are to be congratulated that we are nearing the end of this remarkable and painful trial. I am sure you deserve sympathy for the self-denial you have each been compelled to observe in order to properly discharge your duties as jurors. Nearly a week ago you were agreed upon by both parties, and called to the jury box according to the forms of law, because it was believed that you were individually worthy of the station. You were shut out from all communication with your families, and the public, denied access to the newspapers, and your seclusion has gone to the extent that acquaintances were not allowed to address you the ordinary salutations of the day as you passed to and from this court room. All this was done for the proper purpose of keeping your minds free from external bias, and that you might at this time come with unclouded judgments to a free and honest consideration and understanding of the law and the evidence of the case on trial before you.

We have reached that point when it becomes my duty to present to you our understanding of the truth of this case. I am profoundly impressed with the importance of that duty, and ask your generous indulgence and careful attention while I endeavor to truthfully and faithfully present the defense of Ira G. Strunk, the wronged and unhappy man for whom I speak.

You were sworn at the outset to try and determine this remarkable case according to the law and the evidence. That obligation rests upon you alone. It is the duty of counsel to bring before your minds all the evidence and argument which the wisdom of the law permits. It is the duty of the judge to preside over the trial, to instruct you as to the law, and to jealously guard your movements from the time you were impaneled untl your verdict shall be received from that place. But upon you rests the solemn duty, which tolerates no partial discharge, that under the sanction of your lawful oath you will true deliverance make between the people of the State and Ira G. Strunk, the prisoner at the bar.

I have spoken of this as a remarkable trial, and it does indeed present many remarkable features, some of which I shall be compelled to discuss, even though they may not be strictly within the record. I had hoped that the argument might be limited to the proper issues of the case. We had no desire to discuss some of those things which have, unnecessarily, it would seem, been dragged into the case by my distinguished friend from Kentucky, Colonel Caruth. We had no thought of discussing what sort of a man Charles V. Hoover was in his life, and certainly as far as it was

possible did we desire to shield and spare Mrs. Myra Strunk. I may surely be pardoned for at this time speaking of one of the extraordinary features of this case, which must have occurred to the most careless observer. I refer to the array of counsel for the prosecution. We had expected to be confronted by Mr. Burke, the prosecuting attorney, who is now closing six years of service in this circuit, marked with fidelity and signal ability. And we are not surprised at finding here that painstaking lawyer, Judge Herter, the deputy prosecutor, who has done like service. But we find also Judge Lafollette and Colonel Tuley, lawyers of New Albany, who have that age, experience, ability and personal worth which justly impresses their efforts here with great weight. They are not under any obligations to appear for the State, and their association with this prosecution warrants me in saying that it is to a great extent a private undertaking, to the success of which some individual is contributing his personal means. More than that, the State of Kentucky has been invaded in the search for talent with which to crush our unhappy client, and to-day the Circuit Court of Jefferson County is deprived of the service of one of its most important officers. Kentucky is not highly distinguished as a law-abiding community, and I believe that the jails of that commonwealth, particularly at Louisville, are overcrowded with criminals of much worse taint than this defendant. If the services of Colonel Caruth as Commonwealth Attorney, are not absolutely required there, it is certainly true that there is ample employment for them at least. Besides, during this trial, the greatest political struggle which ever shook Louisville has been going on, and closes to-

morrow, and upon the result of that my friend Caruth has staked his entire political salvation. Yet some great and overpowering inducement has been offered him to forsake all else and remain with us, giving all of his vigor and ability to the noble effort to convict an innocent citizen of Indiana. Gentlemen, no small reward would suffice for this service. But that is not all. My distinguished friend, Major Kinney, of Louisville, is also here. He is a man whose life from earliest manhood has been inseparably connected with the administration of criminal law in Kentucky. His voice has been heard in hundreds of court rooms in defense of men charged with all grades and varieties of crime, yet he is induced to leave his thriving business and all the great opportunities of the great city of Louisville, and come here to add his voice in crying this man down as the paid counsel of the prosecution. I say he is paid; because his instincts as a lawyer and a man would lead him, if a volunteer, to join our side of this case. Yet Kentucky, a State not widely famed for the enforcement of her laws, still further weakens her legal machinery by the presence of Major Kinney upon this forum. This array of counsel might well appall us were we waging a battle of forensic eloquence, but, happily, the cause of the defendant rests upon the inherent justice and strength of his defense and not upon the real or apparent ability and resources of counsel. And I have only referred to it, gentlemen, in proof of what we have always held, and what you must have ere this discovered, that this is not a prosecution by the State of Indiana, but a private persecution of Professor Strunk by those who would, if they could, crucify him where he stands, amid the ruins of his hearth and home, a broken-hearted, distracted man.

Among the remarkable things of this trial the speech of Colonel Caruth may well be classed. While it would be a departure from good breeding to call it a harangue, I would equally violate the truth to call it a legal argument. I know of no man whose talents better fit him to present in its best light the weak and shabby case made by the State. I think those who, from motives of malice or revenge, assist to prosecute Professor Strunk, acted with unerring cunning when they secured these two distinguished Kentuckians to come here and attempt to convict this poor man in the house of his friends. No better argument can be made on the side of the State than was made by Caruth. Why? Because the case is inherently weak, the prosecution a fraud, and acquittal certain. You heard his speech throughout, and I ask you in all candor, what was there in its whole extent that was calculated to inform your understandings or enlighten your judgments? Though you were sworn to try the case according to the law, what law has he either read or quoted for your information? Notwithstanding you are to be governed by the evidence, what reasonable deductions did he draw from all the volume of testimony given in your hearing? None. The entire scope and purpose of the speech was to inflame your minds upon the subject of murder, and to endeavor to thrust the defendant's disgraced wife between him and that justice which cries out for his deliverance. This sort of talk, interlarded with abuse of the defendant's witnesses, Shephard and Suddath, constituted the entire plea made in your hearing by the learned gentleman.

But on reflection, I can see a good reason why my learned brother was not able to cite you any cases bearing directly upon the case we are now trying. To have

value as a legal precedent, the case relied on must have been decided by some court of last resort—that is, some court from which there is no appeal, and must be found among its printed decisions. Tested by this rule, there are no authorities in such cases, because there have been no convictions from which to appeal. Prosecutions like this—no matter where carried on—in every State and country where civilization makes virtue precious and its defense heroic, have invariably ended in the acquittal of the slayer. No jury has ever failed to hold that man blameless who crushed beneath his heel the viper he found hissing upon his hearth. No court has been found to condemn the man who slays the serpent he detects gliding into his marriage bed. No, gentlemen of the jury, in such cases there are not, nor will there ever be, any authorities, but they will ever be decided upon that principle to which Ira Strunk yielded, because it was implanted in his heart by his God, and nurtured by his own pure and blameless life. [Here there was loud applause from the large audience, at which the speaker said:] I hope the audience will not do that. Your interest encourages us, and your sympathy is very grateful to us all, most of all to the man whose misfortunes and not his faults have made this trial possible. But however flattering your encouragement may be, I beg you to remember that this is a court of justice, and all things ought to be done decently and in order, and one of these requirements is as imperative as the other. Rather, then, let me have the higher compliment of your undivided attention and absolute silence.

Gentlemen of the jury, the indictment charges the prisoner with the crime of murder in the first degree,

in that at this county on the 27th of July last he did, with premeditated malice, murder Charles V. Hoover. I am not, in the natural order of argument, permitted to discuss the evidence until I shall have first given to you the statements of law upon which we rely, for the reason that my colleagues will not be permitted to read any law to you not cited by me. And I beg your indulgence for a time while I ask you to accompany me in a short consideration of that always dry subject—the law of the case, promising to be very brief and to avoid technical terms as far as possible, for my chief object throughout this case will be to be truthful and to be understood.

In its broadest sense, "homicide" is the killing of a human being. The law divides homicides into justifiable, excusable and felonious. There is a very marked distinction between justifiable and excusable homicide, but our courts have latterly not discriminated in the use of the terms, and in this case the distinction is not material. It is enough to say that no punishment follows a killing which is either justifiable or excusable.

In this State there are three grades of felonious homicide, viz.: Murder in the first degree, murder in the second degree and manslaughter, and manslaughter is either voluntary or involuntary.

When the killing is done purposely, maliciously and with premeditation, it is murder in the first degree. If there is no premeditation it is murder in the second degree. If the killing is done purposely, but in a sudden heat, caused by sufficient provocation, it is voluntary manslaughter. If the killing is done unintentionally, but in the execution of some other unlawful purpose, it is involuntary manslaughter. The statutes are

as follows: [Mr. Jewett here read the various statutes.] There is little need for me to dwell upon these matters, because the facts in this case are not in dispute. At the beginning we admitted enough to show that, in the absence of the special defense pleaded, the prisoner would be guilty of murder, and it is but fair to strip the case of all rubbish, and declare to you that the entire contention on our part does not involve any denial of the fact that Professor Strunk killed Charles V. Hoover as charged, that he did it in manner and form as charged, and under the tragic circumstances detailed by eye-witnesses; but we rest his defense upon the broad ground that he is innocent, because at the time of the killing his mental condition was such that the killing was not his act. The law indulges several presumptions in such a case as this, and in the absence of any proof such presumptions are conclusive. Some of them favor, others are against the defendant. For instance, the law presumes Ira G. Strunk to be of sound mind and to intend the natural consequences of his deliberate act, and hence it follows that the State was not bound to prove that Strunk was sane at the time of the killing, or that by firing the fatal shots into Hoover's body he intended his death. These things are, so to speak, taken for granted. On the other hand, the law presumes in his favor that he is a man of good character, and that he is innocent. And this presumption of his innocence attends and shields him at all times from the very moment he is accused until he is shown by the evidence to be guilty beyond a reasonable doubt.

When arraigned upon the indictment, Professor Strunk said he was not guilty, the usual and formal

plea in all criminal cases, and one which puts the State to the proof of all the material facts in the case, and permits a defendant to avail himself of all defenses in bar of the charge save one—insanity. But those of us who then and now compose the counsel for the defense, early believed the existence of the state of affairs since shown by the testimony, and so, in compliance with a recent statute, we pleaded for our client the further plea that at the time of the act he was not of sound mind. Upon that plea the State joined issue, and so it has come to pass, through agreements, admissions and concessions, that this case has narrowed down to that single issue—was the defendant at the time he killed Hoover a person of sound or unsound mind? Upon the solution of this question rests the determination of this case, and your labors are thereby simplified if not lightened. It is true Colonel Caruth told you that we would contend here that Strunk had the right to be his own avenger and might lawfully slay his wife's seducer. Such an intimation was gratuitous, and originated in the Colonel's own lively imagination. For you, gentlemen, are sworn to uphold the law, and far be it from us to ask you to do less. And the law is that no matter how grievously Charley Hoover may have betrayed the confidence of Strunk; no matter how deeply he stained the prisoner's marriage bed with the scarlet sin of adultery,—that fact did not authorize Strunk to take his life. The first inquiry naturally is this—when is a man, in contemplation of law, a man of unsound mind? For, mark you, we do not pretend that the insanity of Professor Strunk at the time of the tragedy was of that character and to that extent that he was a raving maniac, a frothing madman or a drool-

ing fool. We say that he was, judged by the legal test of unsound mind, and consequently in contemplation of law, not criminally responsible. Our statute defines the phrase "person of unsound mind" to mean any idiot, non compos, lunatic, monomaniac, or distracted person.

As to what degree of unsoundness of mind avoids deeds and contracts and relieves from criminal responsibility, there are innumerable authorities. I will not weary you with the citation of many, but content myself with three which seem to me to be of highest authority and most binding force in this case, because two of them are admirable decisions made by our own Supreme Court, and the other a well-considered case decided by the Supreme Court of the United States. [Mr. Jewett then read and commented at length upon cases.]

Now, gentlemen, these cases, especially those from our own court, adopt the common-sense views which they so happily express, as follows:

First. That there is no legal test of sanity, but that it is a fact to be determined by the jury in each particular case.

Second. That the approved apportionment of the mental powers divides the faculties of the mind into the cognitive or comprehending power—the feelings,—and the conative or will power. Our Supreme Court adopts this division of the mental powers, announced by Kant and accepted by the metaphysical and physiological schools of mental philosophers of the whole scientific world.

Third. That insanity is a disease, to be recognized and treated as such, and that it is a disease which may

and often does affect one of this great trinity of mental faculties without visibly affecting the others.

Fourth. That a sane mind exists only when all these faculties are unimpaired, and that a sane man must be possessed not only of the power of comprehension, whereby he is able to fix and determine his just and proper relation and duties to men and things, but must further be possessed of sufficient will power to control his actions.

What, then, becomes of this labored attempt by testimony and argument on the part of the State to convince you that at the time he fired the deadly shot, Professor Strunk "knew the difference between right and wrong," knew it was right to obey the law, and wrong to take human life? The question goes only half way, and we might well concede that the position of the State is correct and that the prisoner knew he was doing wrong in killing Hoover. Because even if that were true, yet if, as the evidence overwhelmingly shows, he was at that time so mentally affected that he had not the power of control, his knowledge of the criminal nature of the act goes for nothing. Why? Because in the absence of will the shooting was not his act. It was no more his act than if I had, against his resistance, placed the revolver in his emaciated hand, and, pressing his nerveless finger upon the trigger, produced the shot that forever stilled the passionate heart of Charles V. Hoover. In such a case his hand would have fired the fatal shot, but the act would have been mine, the blood would have been upon my head.

I ask your attention to two other propositions of law applicable to this case, gentlemen, and will then proceed to the consideration of the testimony I read

to you a while ago from the case of Stevens against the State,—the statement of law that if, upon all the evidence in the case, the jury entertained a reasonable doubt of the sanity of defendant at the time of committing the offense, it was the duty of the jury to find him not guilty. In some of the States the law is not so, and in order to entitle a defendant to an acquittal he must prove his insanity to the satisfaction of the jury. But you are to try this case by the law of this forum, and it is the law of Indiana that before a defendant can be convicted the jury must be convinced beyond a reasonable doubt of his sanity. It is thus stated in the syllabus to the Stevens case in 31 Indiana Reports:

"So far as a person acts under the influence of mental disease he is not criminally accountable, and the jury in a criminal case must be satisfied beyond a reasonable doubt of the defendant's mental capacity to commit the crime charged."

Now, what is the reasonable doubt of which the law speaks, and the existence of which precludes that moral certainty of guilt which alone authorizes a conviction? Briefly stated from Starkie on Evidence, as qualified by our own court in the Bradley case, a reasonable doubt exists, and a juror ought not to condemn, unless the mind of the juror be so convinced by the evidence that he would venture to act upon that conviction in matters of highest importance and concern to his own interests under circumstances where there was no compulsion resting upon him to act at all. This state of mental conviction must exist in order to afford moral certainty of the defendant's guilt. Burrill in his work on Criminal Evidence says:

"Moral certainty is a state of impression produced by facts in which a reasonable mind feels a sort of coercion or necessity to act in accordance with it; the conclusion presented being one which can not, morally speaking, be avoided consistently with adherence to truth."

Here, then, we rest. This is the pivotal question in this case—have you upon all the evidence in the case any reasonable doubt of the defendant's sanity at the moment he took the life of Charles V. Hoover? You may, if you please, resolve every other question in favor of the State. But I ask you to withdraw your minds from the consideration of all the misconstruction placed upon the testimony by the other side; to refuse to decide or even consider the false issues sought to be raised; and address yourselves to this inquiry. Is there a reasonable doubt of the defendant's sanity at the time of the tragedy? If so, he is not guilty; and certainly there can be but one answer to the question.

Gentlemen of the jury, in the course of your deliberations as to the sanity of Professor Strunk at the time he slew Charles Hoover, you will have to rely on three sources of information, and I will present them in the following order:

First. The conduct and actions of the defendant before and at the time of the killing.

Second. The opinions of ordinary witnesses to the fact of insanity.

Third. The opinions of the very learned experts with whose testimony we have been favored in this case. And in the consideration of the first branch of the testimony, we may well take our cue from a very frequent expression from the lips of witnesses who

have testified in your hearing. You will readily recall that many of them said in substance that prior to the tragedy and after the scandal had been freely bruited, Strunk seemed to be a changed man. And one witness to the fact of the shooting, Mr. Gelbach, has said, "It was not like Professor Strunk to do such a thing."

These witnesses unintentionally give to you a most valuable formula for determining the mental condition of the prisoner at the time of the fatal encounter. For in the use of these expressions, they mean nothing more or less than that it is the result of a mental comparison of Professor Strunk as the ruined, desperate, and distracted man he was at the time he slew Hoover, with the man whom they knew as Professor Strunk before his great self went down under the weight of the accumulated horrors that beat upon his head. So I ask you now to consider the evidence as bearing upon the life and character of my client in the days of his happiness and usefulness, and compare him, not with others, but with himself, at the time of the fearful event which has brought him here to answer the awful charge of murder. This I ask you to do, not from any statement of mine, but from the evidence in the case before you and the legitimate inferences which you may draw from it.

The testimony shows that Ira G. Strunk came to make his home in New Albany about fourteen years ago, when a young man of twenty-four. He was born and reared among the hills of Pennsylvania. He sprang from that stock of Pennsylvania Germans whose sturdy virtues have everywhere compelled respect; a people noted for steadfastness of purpose; strong but undemonstrative in their affections—rea-

sonable in their desires—subdued in their passions—sincere and decisive in action. Thus it was that Ira Strunk came to man's estate, strong of heart, and with fixed and relentless ideas of marital duty, but at the same time with a nature open and unsuspicious and wholly unfitted to understand—far less to suspect and ward off in advance—the hellish arts of the libertine. He was a young man without wife or child and his ties of kindred were limited to the old father he left in comfort behind, the brothers, who, like him, sought the opportunities of the great West, and the tender memories blossoming around the mound that marked his honored mother's grave. This was the beginning in this city of the blameless life of Ira G. Strunk, and I appeal to you if in all the testimony in this case from the day he first set foot in New Albany to the moment when this wretched business came to a shameful and bloody end, there is disclosed one thought or act of his of which the purest nature might feel ashamed. Yet through the supreme irony of fate, this man is charged to-day with a crime the penalty of which is death.

Possessed of a superb business training, he early conceived the idea of founding a business college. The undertaking was hard and encouragement slight, but with unflinching faith in himself he went forward, and the result is seen to-day in an institution which is henceforth inseparable from the history of New Albany. It has given for many years to the youth of New Albany and vicinity an opportunity for instruction and usefulness of which they eagerly availed themselves, and the scores of young men who during this trial have forsaken their busy lives to crowd lovingly around this broken man proves how well he did

his part toward them. Their regard and assistance to him in his great ordeal have been his chief support and none may realize more than he that—

"Kind hearts are more than coronets,
And simple faith than Norman blood."

It was while thus intent on the duties of a useful and wholesome life that my client met the woman whom events prove was to win, to occupy and finally to break his heart. We may well understand how with youth, health, a clean life, and every prospect of success in business, there came to him, as there comes some time or other to every right-minded man, the desire to take a wife. Myra Sullivan was a woman possessing charms of person and manner well calculated to attract his notice. The daughter of honest parents, reared among the refining influences of good society, educated and accomplished, and of fair fame, sharing his love of music, and thus often thrown in his society, is it strange that he loved and sought her?

But mark you, gentlemen, he sought her honorably —not with the red thirst of lust, or in secret concubinage, but in holy, honorable marriage. He sought her that she might stand as his wife beside his proud and loving heart, that through the day his willing hands and brain might toil for her comfort, and at night he might find rest and content in her pure embrace. It was thus that Ira Strunk sought and won Myra Sullivan for his wife. And when they left the altar united in that state ordained by Heaven and sanctioned by society, he was happy. If any skeleton sat at his marriage feast he did not see it; if any shadow darkened his bridal bed it was unnoticed by him. Gentlemen, he had the right to be happy. He

had the right to believe that the spotless woman he had taken to his heart would remain there while life endured. He had the right to expect that through all their lives she would be his companion, his consolation and his pride, that she would walk hand in hand with him through the years, and in the end would receive the last look of love from his dying eyes. He had the right to expect that such children as might come to them would ever have her watchful care, and that by no act of hers or Charles Hoover's would they ever lose it. And he had no cause to believe that the day would ever come, that now certainly approaches, when he would be compelled to guard their young lives from the mother's fearful example and put away from their thoughts even their mother's name for fear its bare mention might bring to them the shameful story of her disgrace. For the evidence shows, gentlemen, that of this now unhappy union, two children were born, and cruelly enough, it happens that they are girls. They are of that sex most susceptible to injury from the tongues of decrying gossip, and from their helplessness most in need of the offices of a loving, virtuous mother.

They have been at all times the objects of deepest solicitude to this wretched client of mine, and it has only been at the thoughts or mention of them that tears have fallen from his brave eyes. But as Mr. Hartman has said, when he talked with Professor Strunk before he went to Florida, the defendant said he could stand it if it were not for his children, and tears ran down his cheeks. Gentlemen, there was abundant reason for such tears, as we shall see.

But as I have said, for a long time the defendant was very happy in his home and family, and life seemed

full of promise for him. He carried on his business college in connection with his friend, Professor Hammond, and was highly successful. He was the secretary of one of those building associations, so popular in this community, whereby small savings of the wage workers are brought to valuable accumulations. He engaged in keeping the books of the Odd Fellows' Aid Society, and took a lively interest in that order, of which he was an honored member. Yet he found time from his many tasks to do the works of charity as a neighbor, and the testimony shows that he often visited the sick, and his voice sang hymns of consolation over the dead. In a word, he lived that stainless life which a sweet poet has said is full of

> "Honest love, honest sorrow,
> Honest work for to-day, honest hope for to-morrow."

This was the condition of this man's life a year ago, —but now how changed! This man who, a year ago, walked these streets a free and prosperous citizen, a loving husband and father, sits here to-day with the fearful charge of willful and contrived murder written against his name. This man, when we adjourn this evening, will not return to a happy home, virtuous wife, and fond children, but to his later abode—the common jail of Floyd County. And this is his unhappy lot until such time as your verdict, as I firmly believe it will, shall set him free. For all this accumulation of misery and horror, some one is responsible, and we shall see who. I assure you that my client is not its author.

I turn aside here to answer the question so persistently asked by my learned friend from Louisville. Over and over he reiterated the question, "What kind of a

man do you think Charles Hoover was?" I am not permitted to say anything outside of the evidence in this case, but if I were it would not avail, for I knew but little of him, and that was good. But I will tell Caruth what kind of a man the testimony shows Hoover to have been, and in doing so I do not desire to wound the feelings of relatives, for from them I have received nothing so far but kind and courteous treatment. But I am not permitted to follow my instincts in that regard entirely. This defendant has entrusted to the gentlemen who, with me, defend him, his defense, and has in effect said: I am charged with the gravest crime known to society's law; see to it that no word proper to my defense is omitted.

So I answer the question of Colonel Caruth from the evidence, and will tell him what kind of a man Charley Hoover is shown to have been. For it is one of the hard conditions of human existence that we must be judged to be in fact what we appear to be in manner and deed. And I may well submit to you that in all the brief life of this slain man there is little shown which we can either admire or approve.

There is nothing in the testimony showing an act of unselfish friendship, nor does any confidence appear to have been reposed in him, that he did not betray. The testimony certainly shows him to be the debaucher of one woman and the destroyer of one happy home. He first appears in this evidence at Maienthal's store, and when confronted with the just rage of a wronged husband, he owes his life to a defective pistol, crawls behind a counter and emerges fifteen minutes later from the secure refuge of a coal cellar. He next appears on Market street, and this time finds shelter be-

hind the frail body of his father, and when that shield is shot down, takes refuge and finds bloody death in a barber shop.

Dr. Hoover says that Strunk shot him intentionally and then fired again, and tried to shoot the third time. I think he is mistaken in this, but if correct, gentlemen, must you not conclude that Professor Strunk was insane at the time? What sane man would attempt to kill an unarmed old man against whom he had no grudge, while his real enemy was near at hand? No, gentlemen, that evidence proves too much, but if they are willing I guess we will not complain. Thus far at least, gentlemen, there is nothing shown in regard to Charles Hoover of which any one could feel proud.

Now, I believe that aside from his association with the wretched wife of the defendant, the woman whose name he has forever covered with ignominy, the testimony only discloses Charles Hoover in one other place, and that was on a railroad train near Vincennes. There, according to the testimony of John Jones, he was found seated beside a woman so vile that the story of her shame was written on every feature of her brazen face. So palpable was it that Jones, as a friend of his, reproved him for being seen with so rank a courtesan in a public place. What do we find him doing after this creature had left the train? Making a communication to Jones that ought to have blistered his tongue while he spoke it. While society offers no excuse and little palliation for illicit intercourse between a man and woman, there arises out of it at least one obligation, and that is, the unwritten law which obtains among gentlemen that the woman's guilty secret shall at least be sacred to her partner in guilt. The wife

who defiles her marriage bed, disgraces her husband and blasts her children's names, has lost nearly all, but this much yet remains to her—she is entitled to the silence of her paramour. Charles Hoover ought at least have observed the command—

"Let not thine own tongue be thine own shame's orator."

Does not the testimony further show that Hoover most cruelly betrayed the confidence of Professor Strunk? You have seen that Hoover and Mrs. Strunk were much thrown together as members of the Episcopal choir. Now, I am not usually charged with being old-fashioned, but I am not particularly impressed with the choir system. In the good old way every saint and sinner praised God out of his own throat, and that system would have avoided this trouble. But I will not rail against church choirs. However, it seems to me that when a vain, rakish young man and a good-looking married woman demean themselves in the same choir as Hoover and Mrs. Strunk did, the best thing for that choir is to deplete it to the extent of their retirement. Be that as it may, I think you will agree that Hoover shamefully abused Professor Strunk's confidence. He came to Strunk's house to bring music and to sing, was received as a friend, caressed his children and then seduced his wife! Why, gentlemen, even the wild Arab scorns to injure one whose salt he has eaten!

The testimony in regard to the improper relations that existed between Hoover and Strunk's wife has been admitted solely for the purpose of showing the effect the discovery had upon the mind of Professor Strunk. Do not wonder that, though the town was ringing with gossip about Mrs. Strunk, her husband was the last to hear and the slowest to believe it. I

honor those who do not hear, or little regard, the tongue of slander. I know of no place where a greater number of competent persons can be found to attend to other people's business free of charge than New Albany. And it is to his credit that when he did hear these things he resented them as slanders, and sought to punish those who spoke. Oh, noble, trusting soul, that loved and believed no wrong! Strunk trusted his wife implicitly; remember that, gentlemen.

It is written, gentlemen, that the sins of the parent shall be visited upon the heads of the children to the fourth generation. But the guilt of Hoover and defendant's wife reaches further than that in its blight. It has not only wrecked the life of the husband and father, but the holy church has been defiled by the rites of their lust. The church deserved better treatment than that from these two members of its choir, but, alas! did not obtain it. As I stand here there rises before my mind two scenes in that church disclosed by the evidence, but ah, how fearfully unlike they are. One of the scenes shows a bright Sabbath morning when the bell calls to worship, and Professor Strunk, with his wife and children, goes forth and joins the throng of pious souls who enter the house of God. Professor Strunk sits with his children reverently in his pew, while the wife, of whose beauty and musical skill he is so proud, takes her place at the organ. The choir assembles, and Charles V. Hoover takes his place as its leader. The robed minister appears and utters the solemn warning, "The Lord is in His holy temple, let all the earth keep silence before Him." The service proceeds and the commands of the Decalogue are repeated and responded to, and presently I hear the

priest proclaim those words which come to us charged with the thunders of Mount Sinai: "Thou shalt not commit adultery," and from the organ, moved by the fingers of erring Myra Strunk, and from the lustful throat of Charles V. Hoover, comes back the response, "Lord, have mercy upon us and incline our hearts to keep this law." Oh, blasphemy incarnate! But another scene rises before me. It is the same church, but dark, empty and deserted. The worshipers have gone. Professor Strunk is at his daily task, secure in his trust of home, wife and honor. The children are at home under the watchful care of their good grandmother, an honest woman, gentlemen, for whose grief I ask all your pity, for she is blameless and heart-broken over this wretched business. I see Myra Strunk leave her home, with a music book under her arm, and enter the church by unlocking a private door. I see the seducer stealthily climb the fence at the rear of the church; glide across the lot and enter the sacred building by raising a window at the rear. The picture is complete, the assignation has been kept, and I draw a veil over what the eye-witnesses say followed, when the very altar was defiled by a performance as vile and blasphemous as the worst that characterized the worship of Baal. Look on this picture, gentlemen, and then on that! What a fearful contrast between the two! How sweet and holy is the first one, how fragrant with all that is good and wholesome for home, church and state! How black with shame, infamy and burning dishonor is the other!

But, says Mr. Caruth, the testimony of Shephard ought not to be believed because improbable. He says that no sane man can believe that these people would

leave the vestry door of the church open while they gratified their mutual lust. Gentlemen, the persons who were so lost to shame as to resort to the altar of the living God for the practice of their adulteries would care little for other proprieties. They who dared in that most sacred place the gaze of the Omniscient Eye would take little care to avoid the weak vision of man. Colonel Caruth says Shephard's story is improbable, and the witness a liar. Hard words prove nothing and convince nobody. I admit the story Shephard tells is a strange one, as strange as was the choice these people made of the place for their criminal indulgences. And if the story this witness told stood alone—if he had come upon this stand and alone accused these people, I would say that his testimony should be viewed with suspicion. But, gentlemen, I ask you in all candor, if long before Shephard testified, you had not fully made up your mind as to the character of the relations that existed between Hoover and Mrs. Strunk. Even if Shephard had not testified, if Mrs. Shephard had not testified,—and they seem to be honest people,—would you have had any doubt as to the object Hoover and Mrs. Strunk had in their clandestine meetings at the Episcopal church? Did Shephard testify to seeing anything which you were not already satisfied had taken place in this closed and darkened church at their many, many meetings there?

A learned judge, Lushington, has laid down as sufficient proof the proof of these two things, first, that two persons have the disposition to commit the offense, and second, that they have had the opportunity. With this sort of proof this case bristles, but Colonel Caruth disregards all that. He contents himself with a savage

attack upon the eye-witness, ignoring the further fact that all the other testimony in the case not only corroborates this witness, but makes his testimony impregnably true. It is an easy thing to call a witness a liar; and in the presence of the jury, and under the protection of the court, a safe thing to do.

It is not an argument against the probability of Shephard's testimony to say he is a liar. Do you know, gentlemen, that in this case you have listened to the testimony of one hundred and four witnesses; the judge's list shows that. Now, in all that list, about the last one I would want to accuse of falsehood would be that bluff old river captain, Moses Irwin. The man who would attack his veracity would only fracture his own reputation. The splendid character which that good and honest man has built up by years of uprightness is not to be blown away by a breath, or tarnished by words of unkind and intemperate criticism. But Colonel Caruth tried to explain away the testimony of Captain Irwin. He knew that if Irwin's testimony about seeing Mrs. Strunk with her head lying on Hoover's shoulder all the way from Louisville to New Albany, on a steamboat, was believed, then you would be prepared to believe all Shephard swore to. And so he tried to explain, and did you ever hear so funny an explanation in your lives? He asks you in dramatic tones if you "ever came over the falls?" He says that the waves roll so high, and the vessel rocks so heavily that one can scarcely keep his feet, and ask you to believe that Hoover was holding Mrs. Strunk's head because the voyage made her sea-sick. Then why didn't they sit down? He says he knows this is so because he and Major Kinney have tried it. Pray recollect, gen-

tlemen, that every night this week Caruth and Kinney have been attending Caruth's political meetings in Louisville, and their heads are naturally light in the mornings after. Besides, you know the sight of so much water as the broad Ohio contains is naturally calculated to make a Kentuckian feel weak about the pit of his stomach. But Colonel Caruth is very certain that to come over the falls of the Ohio on a steamboat is an undertaking of great danger, and to be made with caution. His description of the riffle, which we call "the falls," would lead a stranger to conclude that it was tempting fate to venture into those wild tempestuous waters. He would have you believe that the sturdy sailors—those gallant tars who go down to the great vexed sea in ships, were always ready to lower the lifeboats, and were compelled to lash themselves to the spars or rigging, while the sea-sick passengers were holding on for dear life to anything permanently fixed. Mrs. Strunk, it seems, with great discrimination and rare presence of mind, held on to Hoover; she preferred him to a roustabout, and I for one don't blame her. Gentlemen, the proof which has been introduced here in regard to the seduction of the prisoner's wife by Charley Hoover, and her subsequent infidelity to her husband, was not done with the hope or purpose of raising any issue upon the truth or falsity of the charge against these two faithless people; because you can readily see that when we concede that Professor Strunk was not in any sense authorized to avenge his wrongs by bringing the deceased to a violent and bloody death, it follows that proof of Hoover's crime would offer no legal excuse for Strunk's tragic deed. The sole and only legitimate object in making such proof was to

show the great and grievous burden which their conduct laid upon the heart of my client, and under which his tortured and distracted mind gave way. If Strunk was in fact insane at the time of the killing, he is guiltless, no matter whether any sufficient reason for his condition existed or not. And if he were in fact sane at the time of the act, he must be found guilty under the law, no matter how deep his injury. This is an honest statement of the law, and I am glad that we are able safely to rest our case upon it, in view of all the evidence. So it did not matter to us whether we proved the guilt of the wife or not—nay, gentlemen, we would be glad if it had been possible to have left the matter in some doubt, and that there might have been some loophole for a belief in her innocence for the sake of womanhood and motherhood. It was enough for us to show that a state of facts existed which induced Strunk to believe he had been foully wronged, and that, oppressed with such belief of his shame, his mind tottered and fell from reason's throne. But the gentlemen who so numerously and industriously represent the State here are not content to let us stand on this neutral and debatable ground. They insist upon arguing to you the falsity of all these charges, and seek with rare skill to explain away the many evidences of this liaison. And they compel us to meet them upon this point, and prove to you and all the world the truth of Myra Strunk's downfall by the assertion that this act of Professor Strunk's was only the manifestation of an unreasonable jealous man's rage, and desire for revenge. Aye, more than that, they cruelly asperse this brave and luckless man with the shameful innuendo that he is willing to falsely charge dishonor on the mother of

his daughters in order to escape punishment himself. I brand such a charge as false in every statement and every implication. I hope to presently show you how Ira G. Strunk once had the choice of personal safety, at the expense of his wife's good name, offered him, but he rejected it with a brave, true man's just scorn, and chose rather mortal combat with his arch enemy and a home in our county prison. So I warn these gentlemen that if the verdict which you render in this case shall by implication brand the brow of this fair, frail woman with undying dishonor, if it shall forever fix upon the name and memory of Charles Hoover the foul blot of a seducer's scarlet sin, the fault is not ours. We will but have met and vanquished these gentlemen upon a field of their own choosing, in a contest which they alone have invited. Therefore, leaving out of sight the evidence of the man who saw only that which all other men know took place, I invite my learned friend, Major Kinney, to explain on some proper and decent hypothesis, consistent with the known and usual conduct of moral men and women, the conduct of Charles Hoover and Myra Strunk at other times and places as detailed by other and unimpeachable witnesse. I ask him to explain to you, on any theory consistent with innocence, why Myra Strunk's head rested lovingly on Hoover's shoulder, while his wanton arm encircled her waist, on the Evansville steamboat, all the way from Louisville to New Albany. If he resorts to his brother Caruth's idea that it was because of the rough water, let him please explain what sort of seasickness it was that led them, when they left the boat, to proceed down the river bank and disappear out West First street at that late hour in the evening, when the

woman's home was then on East Fifth street, and her trusting family awaited her there.

Let him explain the scene detailed by Captain Carpenter, who saw this lascivious couple in Professor Strunk's own house at the unseasonable hour of 10 o'clock at night, with her head again on his shoulder. Surely neither the house nor sofa was so swayed and rocked that any sea-sickness required this tender care on the part of Hoover then! And oh, gentlemen, how multiplied is the dishonor of that scene when we remember the facts as shown by the testimony that made Hoover's presence safe, or even possible, there at that time. Why was it that this meretricious love could at that time pollute an honest man's home? It was because at that very hour, in a far-distant State, Ira G. Strunk watched at the bedside of the dying father, whose cold form he, a few days later, helped to lay away in its eternal resting place. Let him convince you that there was no wrong in the scene detailed by Mr. Hollmann, who saw this foolish pair upon a public street car in the city of Louisville, apparently oblivious of all but their sinful selves; she with her head again on her lewd lover's shoulder, and traveling into that quarter of the city most sought by those most intent on evil. Let him furnish some innocent motive that led these people to constantly seek each other's society, she to the neglect of all her wifely and household duties, he to the denial of the society of all the single and marriageable women whom he might lawfully and honorably seek. Let him tell you why these stealthy meetings, these long walks, this clandestine exchange of notes, these mysterious signs and wanton gestures, that were of such daily and open occurrence, that they

finally came to be known of all men, but last of all by the man most dearly concerned. Let him construe as something else than an open, brazen assignation the note which Ferd. Hollmann saw dropped from the window of this man's betrayed home, and the word and its echo, "to-night"—to-night? And let him further refute the damning fact that on that very night these people, shortly after dark, met near Wiley's shop, and in company went out Fifth street and remained, they and Heaven alone know where, until 10 o'clock. Ah, but, says Colonel Caruth, "is it unusal for musical people to spend an evening together thus, at the house of a friend in this city?" I do not know as to that, and can not say that it is unusual, but this much I can say, that no man who escorted the wife of a friend to any proper place for any legitimate purpose would, on their return, leave her a square from her home to return to it alone clandestinely. Will Major Kinney be good enough to tell us why this dead man and disgraced woman, if innocent of the awful charge against them, so demeaned themselves before this respectable community that they attracted the suspicious notice and provoked the unfavorable comment of hundreds? Can he give any good reason why they met at this church in the daytime as often as two or three times a week, she going and returning alone, and he creeping in through the window? Can he explain why they remained there so long each time if they went for musical exercise, and yet no sound of the organ was ever heard? More than that, gentlemen, can he give any good reason why in that manner they should for any proper end meet there at all? Why, even the boy Huncilman was shut up for twenty minutes in the little room back of

the organ while Hoover, according to Mrs. Strunk, "fixed the organ." I never heard of a musical instrument that had such an obstinate habit of getting out of repair as this one at the Episcopal church, and it would have been economy to have replaced it with a new one. But Mr. Hoover never charged anything for repairs, I believe. But they say these were only indiscretions, those innocent actions which smack so strongly of evil and trench so closely on danger, but nevertheless are free from actual sin. Well, my friends, if they were merely indiscretions, they were deadly ones, for they have cost one man his home, happiness and reason, another his life, and a vain, foolish woman her fair name for all time. If they were only indiscretions, they were of such a character that for the like you would condemn your dearest friend, and upon one-tenth such proof this Court would decree any man upon that jury a divorce. But they were more than indiscretions —they were the acts of hateful sin, for over them all is written lust, lust, and the law of Heaven declares that "lust when it hath conceived bringeth forth sin, and sin when it is finished bringeth forth death."

What avails it, then, gentlemen, for counsel to deride and abuse Mr. Shephard, the witness who saw these people in wanton embrace inside the church? They sneeringly refer to him as a house painter, but I take it that to paint houses is as respectable as to practice law. And there was nothing in the manner or appearance of Shephard that warrants any man in believing that he swore falsely. The trouble is his story was too plain, and he too clearly showed the character of the "indiscretions" in which Mr. Hoover and Mrs. Strunk were engaged. But the prosecution were not

content to rest the weight of Shephard's story, and I am not going to soil my lips by repeating it in his presence upon the theory of its improbability. And so it came to pass that counsel for the State, yesterday noon, organized an expedition to the church for the purpose of finding out whether it were possible for Shephard to see what he says he did, from the place where he stood. And probably no such a cavalcade ever started to a church before—just think of it, gentlemen, Frank Burke, Asher Caruth and Major Kinney, all on their way to church at once. Surely the home missionaries may take heart at such a sight. With them went the other attorneys on that side, who I know are pious men, for Colonel Tuley belongs to my church. And in order to have abundant testimony to contradict poor Shephard they secured the services of two persons to act as witnesses. Mind you, their object was to prove that a man could not see into the church at the distance Shephard says he was, and so, with the rare tact which has marked their entire course in this case, they selected as their witnesses two excellent citizens of this place, Messrs. Axline and Cannon, who are so afflicted that they can't see much at best. Now it occurs to me that this was a capital idea. Of course, the best man in the world to prove that you can't see a thing is a blind man. The next most valuable man is one with weak eyes, and Mr. Cannon says he has spent lots of time and money with a Cincinnati eye doctor, while Mr. Axline can't see to read without glasses. So equipped, these zealous lawyers went up and almost burglarized this little church. Following the bad example of the man whose misdeeds they here defend, they went in by a window. I should have liked

to have seen Caruth's boots as they disappeared within. Now, there is something in the Bible about people who get in by any other way than the door, but I won't apply it to these gentlemen from Kentucky, for of course, they did not know of it. At any rate they got in, and my friend Kinney, whose magnificent proportions have always aroused the admiration of the ladies and the envy of the rest of us, actually took to the floor. Then Mr. Cannon and Mr. Axline took their position out in Shephard's back yard, the vestry door was opened, and they looked in to determine whether they could see anything on the floor. Of course they could not see, gentlemen, for the sole purpose of looking was not to see, and it's an old adage that none are so blind as those who won't see. So they could not see Major Kinney, who was prone upon the floor, a martyr to his professional duty. Of course, they saw something there, but as to what it was they are at hopeless variance. Mr. Cannon, who is something of a hunter, thought it looked like a dog, while Mr. Axline, who deals in carriages, was equally sure that it looked like a horse. Whether one thought it a very large dog, and the other a very small horse was not stated, but certain it is that neither of them dreamed that what they saw was my learned friend Kinney, whose pardon I beg for this free reference. Now, gentlemen, I have only spoken of this ludicrous performance at length to show you the desperate strait in which the prosecution finds itself, and the slender straws at which it grasps in its extremity. Certainly the whole absurd proceeding does not cast a cloud on the testimony of Mr. Shephard, and we are not responsible for Shephard's ideas of propriety. But really I don't think there is a man

in this room who would not have done as he did and have seen all he possibly could.

I will not longer weary you with recital of the evidence of the guilt of Charles V. Hoover and Myra Strunk. Counsel upon the other side have challenged its proof, and I am content to leave to your honest judgments the decision of that question, which can be resolved but one way.

But during all this shameful period, what of the defendant here? Simply nothing aside from his plain, every-day discharge of duty as he believed and understood it. Frank, open-hearted and trusting, he kept the even tenor of his way, all unconscious of the black cloud that gathered above his head and threatened every hour to burst and destroy him. His guilty wife and her more sinful paramour found seeming security in his ignorance of the facts. But their secret had to be brought to light. Ira G. Strunk was becoming the pitied object of every gossiping tongue, and his children's name was becoming a byword and reproach, and God's eternal justice demanded that the truth should come to him, and come it did.

There is to me something grand in the conduct of this man, when to his unwilling ears came the first hint of his wife's dishonor. I have always admired most in the life and character of General Grant that trait which caused him so many pangs, his chivalrous refusal to believe anything to the discredit of those he trusted. And with Professor Strunk, when the story of his wife's infidelity was first made known to him. Did he make haste to believe it, and with bitter words and hot accusations assail her? No, but he stood like a wall of adamant between his home, and against his

loyal heart the waves of detraction broke and scattered. He made haste to seek the author of what he fondly imagined was a causeless slander, that he might punish its utterance. And then, gentlemen, it was, that in the discharge of this high duty there came to him the knowledge of the horrid truth, and out of his anxious inquiries came the discovery of those shameful circumstances which have been detailed to you. Little by little he came to know that he had been betrayed, and under the weight of that awful truth, and all the accumulation of horrors that attended and followed it, he sank down and down to the ruinous depths where you see him to-day.

What did he do then, gentlemen? Did he, impelled by the keen revenge which counsel for the State ask you to believe possessed him, afterwards slay the seducer? No, but wronged and ruined man that he was, he kept the peace, observed the law, and sorrowfully went away from the home, once so dear, but now so hateful to him.

Oh, patient heart! Long and keenly have you suffered; be patient still. For the hour of your deliverance draws very near.

Gentlemen of the jury, I never knew this man except as a passing acquaintance until after the fearful tragedy in which he figured. We know each other better now, and I have learned to love his noble nature as deeply as I pity his ruined life. Yea, though he stood to-day upon the scaffold, I would be proud to clasp his hand. Gentlemen of the jury, when, after the death of Charles Hoover, I saw this man in jail, he seemed to me grand in all his proportions, and exalted above us all. Exalted, because he stood there the mighty de-

fender of woman's chastity, man's honor and God's religion. If a thief creeps steathily at night into your house to steal your goods, you may lawfully slay him. If a man attacks one of you, and threatens great bodily harm, you may kill him and go acquit. If a foreign enemy or domestic traitor hoists the flag of invasion or insurrection, you may slay him, and the laws do not esteem your act a crime, but rather a patriotic virtue. Yet this defendant did more than that. This man fought in defense of a jewel more precious to him than all his goods. He killed Hoover in the protection of what is to an honorable man more than life or limb. He shed blood in the highest defense of the State, because in defense of the State's purest institution, marriage, and its obligations. This man's shots rang forth as proclamations of the sanctity of hearth, home and church all over this broad land.

From the moment that the fearful truth dawned on the loyal mind of the prisoner, and he left his home, he became a changed man. His hitherto unsuspecting nature became warped to one of doubt, suspicion and distrust. He evinced a morbid desire for further knowledge of the details and evidences of his wife's infidelity, and sought them with an absorbing zeal that was pitiful to contemplate. His only idea seemed to be that all others were equally interested with himself in the matter, and he refused to talk connectedly on any other subject. He even burst into the office of Mr. Fawcett, a comparative stranger, and insisted on talking it over with him. His friends found it impossible to win him from the subject, and one or two of them have testified to you that his manner was so excited and distraught that they actually were afraid of him.

Nearly the whole community came to him with sympathy and condolence, but not all. There are those so sordid in their souls that they would coin money out of the heart's blood of unhappy humanity. And such came to him, and there then occurred a scene, the like of which I hope may never again disgrace New Albany. Men came to him to earn money by pandering to his distracted thoughts and morbid fears.

Longfellow has written in the beautiful story of Hiawatha—

> "Never stoops the soaring vulture,
> On his quarry in the desert,
> On the sick and wounded bison.
> But another vulture watching
> From his high and aerial lookout,
> Sees the downward plunge and follows;
> And a third pursues the second,
> Coming from the invisible ether,
> First a speck and then a vulture,
> Till the air is dark with pinions."

So, gentlemen, to this sick and sorely-pressed man, wounded to the core of his faithful heart, in the hour of his extremity, came human vultures to fatten on his miseries. You have heard the testimony of these two young men, one a witness for the State, the other for us, and though they widely differ as to what occurred, I think you will believe our witness. I am sorry for the other, because I respect the honorable name he has inherited. He says he told Professor Strunk that the other young man had, before that, been employed by him to watch women. Will some one please tell what women he had any business to have watched? Who gave to him, a young, single man, any authority to have a watch put upon any woman? This very statement stamps the character of the witness as bad. Then he says that Strunk offered five dollars to have Hoover

made drunk and decoyed to his house, that he might kill him. What an abominable statement! Professor Strunk required no such advantage—his noble nature would have scorned it. When at last the day came which Fate ordained should end the life of Charles Hoover, the prisoner, impelled by his insane impulse, took it, but he took it in open, fair and equal combat, and at least on equal terms. No, gentlemen, that statement, put in here to create prejudice against my client, must not be believed, for the whole history of this transaction is against it. It is on a par with the testimony of Dr. Hoover, that at the time of the shooting Professor Strunk came up on tip-toe, behind him and his son. Gentlemen, there was no occasion for Ira Strunk to ever conceal his footfalls. His feet have always trod the path of duty. His feet have never wandered in the devious ways the libertine must take, nor have they ever trodden down the hearts and hopes of the innocent; such a man need not tip-toe anywhere. Rather, then, let us believe, gentlemen, that the story of this other young man is true, and that nothing worse was said and done at that time than that Strunk listened to the promises of these men, and yielded to his then morbid desire for further proof and employed them.

It was some time after this that nature refused longer to sustain the fearful burden the prisoner's distracted condition put upon him, and he became dangerously ill. There could be no other reason than mental strain for this, for the testimony shows him to have been a man of strong health, and singularly correct in his habits. For weeks he was ill of raging fever, often delirious, and always intent on the story of his

disgrace. The witnesses say he nearly died. Were we permitted to question Heaven's justice, I would say, would to God he had died. But it was not to be, gentlemen. He had drank deep of the bitter cup of misery, but it was not yet to pass from his lips.

It was when he rose from this lonely bed of sickness, gentlemen, and again tottered forth to mingle among men, that we find his first meeting with Charles Hoover. It was purely accidental, for he entered Maienthal's store at business hours in the usual way, and found Hoover casually there. To what then occurred I have already called attention, gentlemen; nothing was said by the defendant, and as to his thoughts we can only surmise. We only know that without comment or excitement he attempted to kill Hoover. The pistol hung fire. Hoover escaped, and the avenger suffered himself to be led uncomplainingly away from the scene of his attempted violence.

You must feel satisfied from the testimony in this case that even at that time the intellect of the defendant was greatly shattered, and it may be that the final ruin had occurred, but that the full evidence of it was not yet apparent. But I apprehend that up to this time there yet remained to my client some share of the large self-control; the power to respect the law and the disinclination to attempt the repair of a greater wrong by the commission of a lesser one, which had marked his conduct in the past. I think that this occurrence in Maienthal's store must have awakened in him for the first time the full knowledge of how great and deplorable might be the consequences of his remaining in New Albany among the scenes which reminded him of his surpassing loss. He must have

realized that his meetings with Hoover could in the long run have but one termination. Then it was that he determined to leave New Albany forever.

There is something grandly heroic in the self-denial which prompted this resolution to sacrifice his business, forsake his chosen calling, and in a far-off State begin a new life on the ruins of the old one. For why should Ira Strunk go away? He had done no wrong, failed in no duty, proved false to no trust. Why should he be exiled? And then, gentlemen, he was leaving so much behind, taking so little with him, except his sorrows and the memory of his wrongs. His departure might be construed into flight, and at all events would leave his erring wife and her betrayer safe and secure in the enjoyment of their unholy passion. But for all that, he was willing to go away, and went to Mr. Hartman for a recommendation, saying that he wanted to find employment somewhere else. Gentlemen of the jury, this century has witnessed no nobler exhibition of self-sacrifice than Ira G. Strunk here displayed. Had he been permitted to go, he might in some other place have set up his shattered idols, have gathered his children about him and found peace, although happiness can never again be his. Certainly, in that event, the tragedy in which Charles V. Hoover lost his life would never have occurred, yet by some strange fatality it was the act of Hoover that prevented Strunk from leaving this city forever.

It was last May when, warned by the first encounter with Hoover, Strunk determined to go and make his home in Florida. The grand jury of this court was in session, and learning of Professor Strunk's intended departure, Charles Hoover took the decisive step that

cost him his life. He went before the grand jury and demanded and procured the indictment of this defendant upon a charge of attempted murder. He caused him to be arrested and forced him to pledge citizens like Mr. Vernia, under heavy penalties, as security for his return, and thus it was that Charles Hoover, to all intents and purposes, committed suicide.

I think Hoover might have dealt more gently with the man he had so foully wronged. It is true that he had attempted to fire at him, but that had caused Hoover no damage beyond a most terrific fright. And it would seem at least to you and me, gentlemen, that after all this defendant had suffered and lost, that his arch enemy might have been a little more charitable. Charley Hoover had seduced his wife, separated him from his children, ruined his business, destroyed his peace of mind. Might he not have stopped at that? Ah, gentlemen, the hour came when Charles Hoover would have given worlds had he possessed them to have recalled that cruel act. The indictment of Strunk for the attempt to shoot Hoover was conceived in a spirit of fiendishness that must have awakened the envy of hell. What was its primary object? Nothing less than that Professor Strunk should not be permitted to finally leave this scene of his wretchedness. But what was the ultimate infamy intended to be accomplished? It is my deliberate belief—a belief arising out of the evidence in this case, that Charley Hoover had a foolish pride in his conquest of the defendant's wife. It is a matter of common knowledge that this sort of vanity affects every young man in a high degree, and while Hoover had nearly reached middle life, he was far from having outgrown the follies of youth. His boast to

John Jones, on the train, that he had an amour with a married woman of New Albany, shows that his vanity was tickled at the thought of his triumph over this weak woman's virtue. For the fact that he did not mention her name goes for nothing, and by no means concealed her identity. What man of you all, who knew of his constant attentions to this defendant's wife, of their meetings, correspondence and fondness for each other's society, would have had the slightest doubt as to who the "married woman" was? And, since it conclusively appears that these things were known to almost every one in the city, he might as well have given her name. But by means of this indictment he was, he weakly thought, about to obtain a double gratification. He hoped to punish the man he hated, for it is human to hate those we have wronged. He hoped to compel this man to give notoriety to his wife's downfall, and thereby establish his, Hoover's, reputation as a Lothario. I doubt if in all reality or fiction there was ever contrived a more devilish scheme than this sordid plan of Hoover. He expected to sit in this court room and see this wretched man writhe as he was forced to choose between a felon's cell for the attempt on Hoover's life, or escape from it by proof that the mother of his children had been dishonored. And so, no matter how Professor Strunk came through this ordeal of torture, the small soul that planned it hoped to be the gainer. The counsel who now appear for the State were employed then, gentlemen, and what they now do is only in pursuance of their original undertaking. Do you suppose that Professor Strunk, stunned and distracted as he was, did not understand this damnable scheme? If you do, I will violate his confidence far

enough to tell you that his wavering mind grasped and understood it, and it was the final torment that induced his bloody act. We are engaged in a trial of Professor Strunk, gentlemen, but its character is changed, and the chief spectator is absent. Charles Hoover is forever absent in obedience to that relentless law, which is as plain as though written in fire across the starry heavens—the law that "the wages of sin is death."

The testimony in this case has fully informed you of the gradual change which came over this man as the months went by. We have laid bare before you, gentlemen, all his life here and elsewhere, from the moment he acted upon his belief of the dreadful truth and left his home, up to the time of the final encounter. We have shown you how doubt gave way to despair, and despair was followed by desperation. We have shown you his sickness, his sleeplessness, his failure in his occupation, his loss of skill at his profession, his abstraction and grief, and all the multiplied evidences of mental disorder which preceded the ultimate wreck. The evidence shows that it was late in June when John Jones repeated to him the scandalous story that Hoover had told him on the train near the city of Vincennes. It was about the 20th day of July that the last meeting, so far as the testimony informs us, took place between Hoover and Strunk's wife. I refer to the meeting on Main street, in this city, testified to by Mr. Huette. And it was on the 27th day of July that, in the course of man's weakness and God's providence, the life of Charles Hoover reached its frightful end. The climax fittingly followed the preceding events I have named. What can be imagined more effective as

final blows to this man's already overtaxed brain than the knowledge of Hoover's shameless boasts to Jones, accompanied by the knowledge of what Mr. Huette saw on Main street. And so we now come down to the events of the day that witnessed the culmination of this moral and social horror. That day at high noon is the period to which your investigation must eventually come, for to the condition of the defendant's mind at that hour all the testimony in this case has been addressed. For if he was a sane man at that time, it matters not how he may have been afflicted before or since. And if at that time his mental condition was such that he was not criminally accountable, his condition at other times and places is not of the slightest consequence. You will remember, gentlemen, that the testimony shows that he passed a sleepless night and at times walked the floor of his bed-room. In the morning he complained of his head, and his whole appearance was wild and distracted in the extreme.

At 10 o'clock of that fearfully hot day, when every being not compelled to be abroad had sought refuge from the sun's heat, when all animate nature groaned and suffered from the heat, where do we find him? With his two little girls, whose presence he obtained Heaven knows how, wandering aimlessly down the levee at the river front. What a time, a place, for a promenade! It was then he said in tones of deepest tenderness to his children, "Darlings, we are not going over the river now."

It was there he declared to the ferryman in excited tones that his happiness was gone forever. Next we find him at the Windsor Hotel, at a little after noon, asking for a friend. How he became separated from

his little girls, where he spent the two intervening hours, what he heard and did is not shown. What wild thoughts passed through his heated and disordered brain we may never know. We do know that he failed to recognize an intimate friend, Mr. Grosheider, who passed and saluted him three or four minutes before Charley Hoover's death. We do know that when the author of all his woe passed by he pursued and slew him!

There is not a detail of all that terrible morning that does not point directly to the insanity of Professor Strunk. His conduct, seeing the kind of a man he was, can not be explained on any other hypothesis. It is unfair to say that he was there lying in wait for Hoover to kill him, and there is nothing but the assertion of counsel to support the claim. Why of all days, should he select that one, and why, if that was his purpose, should he make an appointment at that time to meet a friend? What reason would he have to expect Hoover to pass up Bank street, a most unusual route for him? Gentlemen of the jury, I know your hearts go out to this ruined man, and you long for an opportunity consistent with your oaths to set him free. The way is plain and your duty and inclination coincide. For you have only a reasonable doubt of his sanity at the time of the killing to require of you under the law a verdict of acquittal. What shall be said then, when, as I will show you, the testimony proves overwhelmingly that at that time he was notoriously insane?

Upon that point testimony is all one way. Leaving out of the case the testimony of the expert witnesses, we have that of thirty-three men from all the walks of life, men who knew him well, and observed him closely,

who swear that he was insane. They are all honest men who have no further concern with the result of this trial than such as comes from the promptings of our common humanity. And opposed to all this testimony stands that of Dr. Sloan, who does not testify as an expert. I am willing you should give full credence to all Dr. Sloan said, for it was very little, but then it could not possibly be of more value than that of any one of our own witnesses. And it certainly can not outweigh the testimony of thirty-three.

Add to this the testimony of the learned men who have made mental diseases a life study, and the result is overwhelming. We have brought before you Dr. Fletcher, of Indianapolis, a man whose name must forever stand as that of a pioneer in the humane treatment of insanity. Under his wise charge there are today in our State hospital more than sixteen hundred unfortunates who are to a greater or less degree bereft of reason. To him they are indebted for the final removal and destruction of those horrid instruments of torture and confinement which so long disgraced the treatment and increased the miseries of those unfortunates. You heard him answer the hypothetical question which I had framed. You will agree with me that it only contained facts which had been testified to in this case by witnesses. And in answer to that question he said, with not the slightest hesitation, that in his opinion, at the time of the killing, Professor Strunk was insane.

Dr. Barnes is also worthy of highest credit, despite the sneers of counsel at his testimony. He has large experience of a like character with that of Dr. Fletcher, and has made such matters a specialty. And Dr.

Barnes is equally positive as to the defendant's mental unsoundness at the time in question. Then we have Dr. Voyles, a man in whose personal worth and professional skill we all feel the most profound confidence, and he supports the others.

Gentlemen of the jury, if there ever was a case where the much-derided defense of insanity was made out by the most convincing and overwhelming proof, this is certainly the one. And I am glad of it. I believe in this man's innocence, and am delighted at the overpowering proof of that innocence.

Colonel Caruth puts much stress upon the fact that as to many matters the defendant has at all times seemed to be rational. What of that? Do not the experts tell you that it is a most common thing to find one who is a monomaniac on some things and rational on all other subjects? You remember the case of Mr. Hord, spoken of by Dr. Fletcher. I mention this case with great reluctance, for Mr. Hord is not only a man in exalted position, a high-minded, courtly gentleman, but he is one of my valued friends. At the bar of this State he stands in the foremost rank, and his discharge of the duties of his office has been superb. Yet Dr. Fletcher tells you that he has not only been insane, but was for six weeks an inmate of the State asylum. And yet, when taken to the asylum, he was carried from his desk, where he was performing with rare intelligence the duties of his place, which require the highest degree of intelligence and learning. Lest my silence might be misconstrued, I will say that the last witness for the State is one upon whose evidence I have no desire to comment. But this much I will say—and I mean no disrespect to the gentlemen on the other side of the

case,—I say that the introduction of the wife of the defendant as a witness against him was an exhibition of folly and brutality that is astounding. The necessities of this case must be very great when that woman is dragged here and forced to deny her guilt. What does her denial amount to? Did any one for a moment expect her to admit it?

But, gentlemen, the same spirit which forbade us to ask her a single question forbids that I should speak harshly of her. For I can not forget that fact, which at the judgment shall be her chief claim to Heaven's mercy, that she was once the wife of Ira G. Strunk.

I have already talked too long, gentlemen, for I have spoken three hours. But I could not find it in my heart to say less, and if any word of mine has been calculated to prejudice the defendant's cause, I pray you to hold, as my fault, and not to his disadvantage.

Gentlemen of the jury, somewhere in this city, at this moment, are two little girls. They inherit their father's spirit, their mother's fatal beauty. You might pass them by upon the street without notice, but to Ira G. Strunk they are all of life, for they represent all that he may rescue from the wreck of the past. The sunlight of childhood yet falls upon their heads, and their feet stray among the flowers of innocence. But they unconsciously go on toward a horrid abyss that yawns for their destruction. It is the shame that must come to them with the knowledge of the mother's degradation. From that awful fate the hands of but one person can draw them back. Shall it be, gentlemen, that by your verdict, as doom draws nigh, those hands shall beat helplessly against prison bars? Forbid it, Almighty God! No, gentlemen, let these fragments of

this stricken family be once again united. Let Ira G. Strunk take his daughters by the hand as he did on that fatal July day, and let him in answer to their pleadings say this time, "Darlings, we will cross the river now." It is time for them to cross the river, gentlemen, to lead each other far away from this scene of shame and misery. Let them go away, gentlemen, and in some other land let these children grow to woman's virtuous estate, and let there come no parting till this tired head finds eternal rest in the Master's bosom. See to it, gentlemen, that this journey begins at the close of this trial!

Speech to the Indiana Bar Association at the Funeral of Ex-President Benjamin Harrison, March Seventeenth, Nineteen Hundred and One.

HE lateness of the hour forbids that I say more than a few words and that brief time shall not be employed in an attempt to add anything in praise of the distinguished man whose death we here mourn. Since the hour he passed away press, pulpit and bar throughout the nation have extolled and eulogized this first citizen of Indiana until the vocabulary of praise would seem to be exhausted. For my part I prefer rather to speak briefly to my professional brethren upon two thoughts which have occurred to me as I sat here, one suggested by something Judge Woods said on taking the chair and another by the memorial address read in your hearing.

Judge Woods said that the life and work of every eminent lawyer entered into and influenced the affairs of men for good. The memorial address notes the fact that the pageantry and mourning here is for the dead General, the dead Senator and the dead President, and that this meeting of ours alone is for the departed lawyer. These things are true. As I sat here I thought that if one of us should go out among the multitude

that surge about and through the state house, and single out any one not a lawyer and ask him what were General Harrison's triumphs at the bar, what were the cases in which he wrought good and wherein he established the purity and strength of truth, that man would be unable to answer.

Yet General Harrison spent the greater portion of his manhood in the practice of law, and was during much of that time easily the first lawyer of Indiana by the highest test, in that he was the greatest trial lawyer in the State. What is the thought that this brings to us? Surely some truth should be brought home to us here for our information and encouragement. To be profited by this service we must gain from General Harrison's life and death something for our own future guidance and strength. The death of any man, no matter how appalling its loss to humanity and his country, the simple fact of his death is of no value or importance to those who live except as cumulative evidence of the great fact that all men must die, and further proof of the value of right living. Though few of us perhaps now realize it, the hard and unpalatable truth of the matter is, that a lawyer lives only during his career as a lawyer. Not for him but for others is the applause and the memory of posterity. For the highest proof of this statement realize that this great citizen and brother of ours whose remains lie here in highest honor, is remembered and beloved by ninety-nine hundredths of all the people of the State and in connection with matters and things entirely apart from the practice of his chosen profession.

Mr. Carnegie wrote a letter the other day, lightly

bestowing a sum of money that once would have been a kingdom's ransom, in which he used an expression that struck me with great force. It was a letter in which he made public his purpose to dedicate to certain benevolent uses at Carnegie and Homestead, five millions of dollars. He spoke of the difficulty that men of wealth experience at giving up business and their disinclination to do so. He explained this thing so far as men of wealth are concerned by what seemed to me a terse and capital statement, that the trouble with men of wealth is that when they have enough to retire on, they have nothing to retire to. Even men who have held the highest position in the nation have had difficulty in finding congenial, dignified, suitable and happy occupations and relations after retirement from public life. History records several more or less unwelcome spectacles of the latter days of presidents. But happily General Harrison had something to retire to. And what was that? The practice of the noblest of all intellectual professions! And so back to Indianapolis he came and retired to the work of that profession. He realized the truth of the assertion that it is perseverance that keeps honor bright. So he returned to the law and became the first president of our Bar Association. There he exemplified by his life the truth that I have asked you to consider in connection with this solemn occasion, for it will profit us little if out of such an event comes nothing more than mere eulogy. The mighty and noble dead whose remains lie below needs nothing from us. His fame is secure in the hearts of his countrymen and in the archives of undying history. As I have said, he came back to us, my brethren, and became the first presi-

dent of this association. I well remember when we held our second meeting. It was time to elect a successor to General Harrison and several worthy gentlemen were anxious to be chosen, a most deserving ambition. It occurred to me that General Harrison ought always to be president of this association while he lived and was willing to serve, and when I suggested his re-election it was taken without question. You remember how he presided that night at the Grand Hotel banquet. That man who in the sight of all the world had stood for American honor and institutions and had been concerned in the successful solution of great international problems told me as we left the hall he had never known a more enjoyable evening in his life than he had spent with we Hoosier lawyers there. It was because of this wholesome love for his own people, this devotion to the duties that came to his hand, that Benjamin Harrison will forever abide in our recollections a fragrant and gracious memory of a noble man.

An Oration to His Fellow Soldiers on Board the U. S. Transport China, Delivered at Sea, July Fourth, Eighteen Hundred and Ninety-Eight.

Fellow Citizens:

YOU smile when addressed by this orthodox old title by which you have been saluted at former and certainly more formal celebrations of this most illustrious day. But it is strictly correct. By a fiction of the law of nations the territorial authority of a nation extends at sea to the deck of every vessel that flies its flag. And thus it is that though we are away off here somewhere in the Pacific Ocean, yet since we are on an American ship under the stars and stripes we are in the United States and after all are fellow-citizens. And then, I'd rather have it that way anyhow. You see it does away with the discipline and rank that the General has been talking to you about.

Now, on the Fourth of July in the United States there should not be any such thing as discipline in the sense in which the word has been used here; and as for rank, that certainly must be laid aside on such an occasion. There are fifteen hundred of us aboard and in all that number only two outrank me, so if I am willing to lay it aside for this occasion surely you will not complain. Rank sometimes has its disad-

vantages unless it is the highest rank. Major Bell tells a story about the first American captain, lieutenant and midshipman who went to call on the Sultan. When they were admitted to his presence the master of ceremonies first addressed the captain, saying: "You may approach his Serene Highness and he will graciously permit you to kiss his royal hand." This ceremony performed he said to the lieutenant: "You may now approach his Serene Highness, and he will graciously permit you to kiss his royal foot." But when he turned toward the middy with the words, "and now you may approach," there was a yell and crash of glass as that young man disappeared through the window. The possibilities and limitations of rank had been too much for him. So laying that all aside and coming to the consideration of our own celebration here, I make bold to put forth some claims in favor of it over all others, no matter where held this day.

In the first place we are far ahead of everybody else with our celebration. In some parts of our great land the people are just going to bed on the night of the third of July, and in no part of it have our less fortunate fellow-citizens yet had breakfast on the Fourth. Why, you remember that three days ago we were sailing along on the 30th day of June and about noon we passed over something that we couldn't see, but they called it the 180th degree of longitude? Presto! in that instant it was no longer the 30th day of June but noon of the first day of July. While we lost a day then, we may console ourselves that in the celebration of the Fourth of July we are the first up this morning.

In the next place there is no other part of the United States that is rolling and tumbling about as

much as this particular location where you are packed in the forecastle and I am swaying over the rail. Nor can any part of the United States where any other celebration shall be held claim to be as thickly populated as our portion. Then this was gotten up differently from any you have ever attended. There was no meeting held at the court house or town hall to appoint a committee on arrangements for this celebration. We put out no bills on the fences and trees advertising it and telling how there would be a balloon ascension and a chase after a greased pig or climbing up a pole likewise prepared. There are no stands with red lemonade; no girls with lots of flowers on their hats; no man just outside the grounds with a portable stool, three shells and one pea that is never found where it was last seen. Nothing of this kind. And the situation has at least one advantage for me. My audience has to stay where it is. You can not walk away out of hearing, nor go to the edge of the grove and behind a tree, take something with another fellow out of a bottle he has been carrying around in his linen duster till it's quite warm, a bottle with a mysterious fluid inside and the figure of a man with a bundle on a stick over his shoulder bound for Pike's Peak blown in the glass. This morning when we were getting together for our affair there was no dust raised down the road by farmers driving to the place where it was to be held, no helping the women folks out of the wagon and placing a chair for grandma to sit on till dinner time arrives. And when noon comes there won't be any big basket of fried chicken taken out of the wagon nor any pitcher filled from one of the barrels of ice water. Hold on! I wish, I wish, I hadn't said that.

It was bad enough to mention fried chicken, but to speak of ice water under these conditions is little short of a crime.

Like me, you no doubt have lively recollections of the dear old Fourth of July celebrations we have all attended at home. None can be livelier than mine, for I once spoke at one. Well do I remember the long and patient labor I gave to the preparation of an oration, and the task to which I put myself to get exactly the right word in the right place. There was a great audience assembled in the grove on that occasion. But somehow my part of the performance didn't seem to draw. There were lots of people around the flying dutchman and the lemonade stands, and the places where you could get three throws for a nickel at a lot of canes and knives and one of those articles if you were lucky enough to ring one. Some were electioneering, some were courting and not a few were doing what we will soon be doing if we don't go to the bottom of the sea—firing balls at the head of an entire stranger. But alas, the audience I had were none of these, and indeed not many of anybody. There were a few old fellows who sat upon the stand and leaned on canes with their hands to their ears, but they were only there because they were too rheumatic to walk about any longer. And on the bench in front were the parents of the young man just from school who was going to read the Declaration of Independence and the committee on invitation and a few tired women holding very small babies with very red faces blistered in the sun of the July day hanging on their arms. Aside from these there was nobody to hear what I fondly imagined was real eloquence.

Now I have taken up enough time talking in this light vein and I'll leave it and address you as men should be addressed who have proceeded thousands of miles on a very serious business and realize that they are in a very serious situation.

Ten weeks ago our people were at peace with all the world. A man who would have then asserted that within so short a time as has since elapsed our country would have been dispatching an army ten thousand miles away from home on a hostile mission would have been regarded as a very extraordinary sort of a lunatic. While there was a dim prospect of war, it was but a hazy dream and most of us were going about our usual avocations without giving the matter a second thought. We were attendant upon our daily duties. Indeed the whole nation was engaged in the arts of peace and endeavor and it seemed that after thirty-five years of profound peace the warlike spirit in American men was dead and forgotten. Suddenly occurred a startling incident in the harbor of Havana. A declaration of war was passed by Congress, and lo! the change. From every quarter of the country men sprang to answer the battle call and struggled and shouldered each other aside for the sweet privilege of encountering hardships and dangers like those we now undergo. And today in our own land millions of men in the comfort of their homes envy you and me the privilege of our present hard and perilous situation. And well indeed they may envy us, who with straining eyes are approaching that place where in the sweltering China Sea great Dewey with his guns keeps watch on the doomed City of Manila which he might easily capture but does not because he could not afterwards

with his small force either occupy it or protect its people.

And indeed our own situation is one which every one should gravely ponder and fully realize. Three weeks ago we slipped out through the Golden Gate onto the Pacific and since then have to all intents and purposes been dead to the world. Of what has occurred since then we are not advised. What was threatening then we well know. As we disappeared below the horizon Camara's fleet had passed the Suez Canal and was much nearer Manila than we. Foreign intervention was threatened and may already have been asserted and we do not know but that at this moment out of some Oriental port warships of some other European nation may not be bearing down upon us with the purpose of assisting the cause of Spain. Does Dewey still hold the key to Manila or has Camara's Spanish fleet or that of some other European power driven him back or broken his hold upon the place to which we are bound? Shall we ever reach there? We fifteen hundred men have for three weeks been rolling over the waves of this tropic ocean under orders to keep five hundred miles out of the usual course where vessels traverse this ocean highway. We have been drinking condensed sea water at a temperature of ninety degrees, while packed like sardines in a box in discomfort indescribable. Time and again when a comrade has succumbed to hardship have we stopped this transport and committed his body to a boundless grave in this wide waste of waters. Subject always to the dangers of storm and fire and hourly approaching the locality where an enemy may appear upon the sea we know that if this

vessel sinks or must be abandoned it has only enough boats to carry two hundred and twenty of the fifteen hundred souls who are huddled upon it. We who in our own land had comfortable homes and upon whom rested to a greater or less degree the affairs and concerns of the communities and the happiness of families are here on an unprotected merchantman without an available weapon greater than a Springfied rifle, absolutely at the mercy of fire and tempest or the most insignificant gunboat of an hostile enemy. Truly it may be said of us:

"On the horns of death we ride;
To the gates of Hell we swing."

Looking into your expectant faces bright with the intelligence of freemen, firm with courage and devotion to the patriotic cause which has brought us to this untoward place, I am moved to speak of two things which profoundly impress me at this time. They are not matters connected with your service as soldiers in discipline or conflict. It would be idle to attempt to add to what has already been said on that subject by the General who preceded me. That each of you as opportunity offers or duty commands will bear yourselves bravely and well I have no reason to doubt. What I want to speak of, however, is of your bearing and conduct now and henceforth while in this service, as individual men and Americans.

In the first place I beg of you to realize the tremendous responsibility we each assumed when in the name and uniform of the great Republic of the world we entered this service and assumed the obligation to uphold in honor the flag of that Republic on the other side of the earth. It may not have occurred to you, but

it is a fact, that never since time began has any nation sent an army so far from home as the one of which we are a part. Until now Napoleon's expedition to Egypt marked the greatest distance to which any considerable body of troops had even been dispatched for the purpose of engaging in hostile conflict. Yet, fate so decrees that we, who, as before stated, but recently were engaged in the simple arts and occupations of peace, are now moving together with a common purpose to the most distant point to which an army has ever been dispatched in the history of the world. And in so sending us our country reposes in us not alone confidence in the courage and fidelity to orders and discipline which every man assumes who voluntarily takes upon himself the relations that we now bear to our country. More than that. We are bound for a strange region, to a people who know little or nothing of the character of our citizens, our institutions or the nature and extent of our purpose. If in God's Providence we shall reach that land there we shall collectively be an army, but individually we will be citizens of the United States, and the honor and dignity and justice of that great Republic will be judged and esteemed by those with whom we come in contact precisely as we as individuals bear ourselves during such contact. I can imagine no greater responsibility than that which places each of us under an obligation to so demean himself henceforth and hereafter in this service, that the greatness, the dignity, the justice, the freedom and the honorable purpose of our beloved land may be made manifest and shine forth in the daily actions of each. Unworthy and thoughtless indeed, that man who, wearing the uniform of our country,

would by any act of his bring into reproach or discredit the name or fame of the great Republic whose institutions are the culmination and fulfillment of man's struggle for liberty throughout all ages. Therefore let us devoutly pray and resolve that each of us will soberly and carefully consider the responsibility to our country in the individual acts we shall do and demeanor we shall exhibit while engaged in this service.

In the second place I would reveal to you a thought which came to me as with swinging tread and flashing arms you marched on board this transport at San Francisco. It was a brave sight and the crowded streets were filled with proud and cheering citizens. But as I looked upon you with special interest knowing that though we were strangers we would on the morrow be comrades, and for many months at least our fate be a common one, there came to me a curious thought entirely disconnected from the pageantry and splendor of your array. The question that came up in my mind was this: Will they prove worthy of the tremendous sacrifice they represent? Today I include myself and put the question thus: Are we, and shall we, be individually worthy of the appalling sacrifice which our presence here involved? I am not thinking of the financial loss, the interruption to business, or anything of a material aspect. I am thinking now of the homes we left behind, of the broken ties of love and fireside, the tear-stained cheeks, the aching hearts, the anxious fears of the loved ones far away. I am thinking of the sorrowing fathers and mothers, the anxious wives and children who on this day in our own distant homes are fearfully hoping

and praying for our preservation and waiting and watching for some evidence of our safe arrival. Are we worthy of all this anxious care and sacrifice? Are we willing to try to remain worthy of all this? We know that some of those here assembled will never again look upon their own land. Some shall never even reach the Philippines. Who of us shall never return Heaven alone knows. Shall he who is never to return be able from now until the end comes to so live in thought and deed and purpose that he shall merit the honors that will be paid to his memory, and justify the long years of sorrow and regret that must remain as the only other heritage to those dear to him? Many will return and again resume the relations that were rudely broken by this conflict. Shall he who returns when he looks again into the eyes of the loved ones, be able to say—aye, and to feel—that his thoughts and deeds have been such that he may honestly accept the pride and devotion and love which has been treasured against his home coming? The man who can do this will find priceless reward in self-respect and good conscience and honest pride with which he may receive the return of those joys and reuniting of those ties now temporarily severed. This is a matter not of discipline, not of command. It is for each one of us to so order his own life in the courage of his conduct, the honesty of his purpose and the purity of his thoughts that he may feel truly worthy of his portion of all that sacrifice which was made to bring us to this proud and perilous position. When his weary and broken army encamped on the plains of France the night before the decisive battle, Henry the Fifth went disguised among the soldiers to learn their

condition for himself. One of them spoke complainingly of the King and reproached him because that on the morrow many souls would be sent unprepared into the presence of their Maker. The truthful words that the poet makes Henry to have said in answer to the complaint I give to you and trust they may be carried henceforth in your hearts:

"So should every soldier in the wars
Do as a sick man in his bed, wash every stain from out his conscience,
And dying so, death is to him advantage,
Or not dying the time was blessedly lost
Wherein such preparation was gained."